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TRANSCRIPT OF PROCEEDINGS

PRODUCTIVITY COMMISSION

INQUIRY INTO THE CONSERVATION OF AUSTRALIA'S HISTORIC BUILT HERITAGE PLACES

DR N. BYRON, Presiding Commissioner,
MR T. HINTON, Commissioner

TRANSCRIPT OF PROCEEDINGS

AT HOBART ON FRIDAY, 12 AUGUST 2005, AT 9 AM

Continued from 8/8/05 in Melbourne

DR BYRON: Good morning, ladies and gentlemen, thank you all very much for coming. Welcome to the public hearings of the Productivity Commission's national inquiry into the conservation of Australia's historic heritage places. My name is Neil Byron. I have been appointed the Presiding Commissioner for this inquiry and my colleague and fellow Commissioner is Tony Hinton. I'd like to start by formally thanking the Hobart City Council for making this beautiful and very appropriate venue available for this hearing. It's a very suitable place to be discussing today's topic. This inquiry began with a reference from the Australian Government to the Productivity Commission to investigate the policy framework and the incentives for conservation of Australia's built historic heritage places. We've had very valuable meetings and visits in all parts of Australia with all sorts of interested parties - state government and local government, businesses, individual owners of historic properties, citizens groups, et cetera. We have conducted public hearings in Brisbane, Perth, Adelaide and Melbourne and by video-link with Darwin and next week we will be in Canberra and Sydney.

We're aiming to produce a draft report for public comment abut the end of November or early December and then we'll have a second round of public hearings to get feedback after people have had the opportunity to digest our draft report and our draft recommendations. We always try and make these public hearings as informal as we can. Those giving evidence are no longer required to take an oath, for example, but the Productivity Commission Act does require that people should "be truthful" in making their evidence to the Commission's hearings. The transcripts will be available on our web site and a hard copy on request from the Commission as soon as possible after they've been checked for accuracy of transcription. We have now received, I think, over 140 submissions to this inquiry. A week ago it was probably less than half that. So the information continues to pour in.

To comply with the Australian Government's occupational health and safety requirements I have to tell you that in the very unlikely event of any incident the fire escape is straight down the steps outside the door here, and for housekeeping I should say that the public conveniences are on the ground floor underneath the stairs. But I think that's enough housekeeping. Without any ado I'd like to welcome first up today the representatives from the Tasmanian Government. Thank you very much for coming. Thank you for the written submission which Tony and I have read very carefully. Our standard procedure is that after each of you has introduced yourself for the transcript if you'd like to summarise the main points of the submission we'd like to discuss it with you. Thank you.

MR GADD: Thank you. My name is Scott Gadd. I'm the secretary of the Department of Tourism, Parks, Heritage and the Arts here in Tasmania.

MS HOUGH: Katherine Hough. I'm the principal policy and projects officer for the Department of Tourism, Parks, Heritage and the Arts.

MS LEWIS: Deb Lewis. I'm manager of Cultural Heritage Tourism with Tourism Tasmania.

MR ROMEY: Peter Romey. I'm the director of conservation and infrastructure at the Port Arthur Historic Site.

MR GADD: Thank you for your time this morning, gentlemen. If I can I'll do exactly that - I'll just quickly skim through an overview what was in our submission and highlight what we see as the key points. Clearly, historic heritage is critical to Tasmania's identity and you'll see through our submission we've actually quoted some research that can support that statement and we can make that available should you two desire it. Clearly our heritage is a vital part of what makes the Tasmanian lifestyle so special and it's an integral element of the Tasmanian tourism brand. That's a brand that we've worked very hard on and it's built on the key attributes of cultural heritage, natural heritage and wine and food.

The Tasmanian Government is supportive of the tiered approach of recognising the importance of local, state, national and world heritage listing and conservation. However, we would argue the system needs to be simple to access, use and understand; roles and responsibilities need to be better defined; streamlined systems and responsibility for resourcing an integrated system needs to be shared by all tiers of government proportionally. Clearly in this state we're an example that cultural heritage is a big economic driver for the state but similarly it's a big contributor to the community wellbeing here in Tasmania, and by that I also mean the health and wellbeing of our people. That's recognised in the aspirations of our Tasmania Together document which is principally a community-driven document that represents a 20-year vision for the state.

One of the core goals of that document is to value, protect and conserve our natural and cultural heritage. That came about as a very long and exhaustive consultative process. So, as I said, I'd argue that clearly it's an economic driver in this state but also it has implications to the health and education to the populace as well and ultimately presents them opportunities, I think, for some proactive responses with respect to some of the issues that we face in those areas, particularly with our natural heritage which I know is outside the purview of this Commission hearing.

The Tasmanian picture - we've just under 5500 places permanently listed on

our register as at 30 June. I would argue that that's a fair old mix of state and local significance, potentially some nationally significant properties in there as well. There's just under another 2500 places in the process of assessment. A former minister and premier was often quoted in this state as suggesting that Tasmania has up to - well, the figures used to vary depending on who he was speaking to, but between 30 and 50 per cent of Australia's colonial built heritage here in this state. I suspect his figures aren't too far wrong even if we say 30 per cent. But when you consider that, that's a burden that's carried by 3 per cent of the Australian population. That represents, I think, the issue in a nutshell that we face here. Similarly, those properties are largely dispersed throughout regional Tasmania so the burden is actually even more disproportionately shared throughout the regional communities.

Tourism is a big, big industry in this state and historic heritage is a key contributor to the tourism industry. Tourism currently contributes about $1.7 billion dollars annually to the economy and there's 40,000 direct and indirect jobs as a result of that burgeoning tourism industry. There's close to nearly $900 million in tourism investment planned or under construction across Tasmania as we speak today and that's an almighty different scenario than it was six or seven years ago.

The current strategic effort from the government - in a sense this commission is very timely because we're in the throes of a major revamp of our heritage sector here in Tasmania. We've formed a new unit which is a part of this department called Heritage Tasmania last year. We're currently finalising a review of our Historic Cultural Heritage Act and I'd like to think that come early next year we'll have one of the most contemporary heritage legislations in the country. We have been on a program now for some six months or more of, shall I say, reshaping the National Trust here in Tasmania and the goals there are to create a contemporary, sustainable organisation and one that's on a sustainable - or more of a sustainable footing as we go forward.

So you can see that we're hoping by early next year to have a complete reform of the way heritage is conserved, protected, interpreted and communicated in this state - early next year. We think there's a role for the National Trust both in terms of the caretaking the historic properties and also in advocacy and we think that we need to get more emphasis and more differentiation in terms of the responsibilities for heritage between the different tiers of government; that is, local, state, national and even world heritage. To a large degree our new legislation will go a long way towards getting that differentiation between local and state and hopefully at the same time we'll be able to offer some resources to local government to help bring them along.

If I can just quickly whiz through the terms of reference. The main pressures - funding obviously, both generally and for specific conservation works. Government involvement is critical. In this state we don't have the head offices of major

corporations so philanthropic opportunities and corporate sponsorship are much harder to come by and, as I said, we have a disproportionate sort of number of heritage properties still standing. The bottom line is Tasmania for several decades really economically was a bit of a basket case, didn't produce - didn't really go forward until recent times. The result of that was there was no development pressure on our heritage.

Consequently, now that we're in a state of mind where it's increasingly valued and people are more aware of it we're in this unique position where we have it all still standing, albeit it presents a lot of challenges - and those challenges aren't going to be resolved simply by increasing the budget across the three tiers of government. We would argue funding does need to be targeted to the specific needs and priorities of the regional community. As I said, there's a disproportionate spread. If you look at the Tasman peninsula, for example, you've got one of the poorest councils in the state; we don't even have water and sewerage infrastructure. Yet along with Port Arthur which is one of our historic heritage icons, there's also a multitude of other heritage, particularly convict-related heritage on that peninsula that is virtually unknown and to a large degree unprotected.

The other point to make is that Tasmania is not in a position to enter into a federal funding agreement that's purely a dollar-for-dollar basis. As I said, we've got a disproportionate share of the load here and the responsibility and only 3 per cent of the population to fund it. So we think it needs a strategic approach that allows our stakeholders the flexibility to determine their own priorities and needs and best manage the limited resources.

With respect to economic, social, environmental benefits and cost, historic heritage acts as a key economic driver, as I said, in the areas of Tasmanian branding, having core market appeal in the tourism sector. It's identified that people love to come to Tasmania for a combination of our natural historic values, our creativity and our food and wine. No one of those issues is a key driver in itself, yet collectively they contribute rather significantly. So it's more difficult to measure the aesthetic quality of the visual environment but there's no doubt our historic heritage contributes to a strong sense of community identity, pride and belonging. There is a real sense of ownership amongst the local communities in this state of our historic properties. The National Trust once again is a good example. We have an army of volunteers out there that interact and socialise and come together around these historic houses on a regular basis. That goes back to what I said about the community wellbeing because by default I'd argue that that's having an impact on their health and welfare and also on the health system ultimately.

The primary costs of the potential constraints on development - I think that's pretty obvious. Introducing unwanted imposts on private owners which limit or restrict good heritage outcomes is not seen as the way to go. With respect to the

roles and contributions of property owners, in general in this state they're clearly not an homogenous group; they include a range of different people from all walks of life - that's from private, commercial and government. Experience suggests that the greater the opportunity to work alongside these people, engage with them, inform, educate and guide, the better the outcomes for historic heritage. So it's really that collaborative partnership approach.

Greater attention needs to be given to create opportunities for incentives and to provide support for owners. Later we'd probably go a bit further and suggest that even rebates and tax incentives and things are potentially the way to go. Local government - as I said before, the state government would like to move to a position where places of local heritage value are protected and conserved locally and that is through heritage schedules and provisions linked to local planning schemes. There are examples where that happens in this state, there are examples where that's just quite frankly not even on the radar. So we've got everything in between. Partnership agreements and the joint funding of heritage surveys between local and state government has been a primary mechanism we've used to move forward with this collaborative planning approach and we are making some reasonable inroads.

There is a need to streamline or integrate local planning and heritage decision-making arrangements and to provide greater clarity, certainty and ease of use. From the state government perspective we believe we have a critical role firstly as a major owner of heritage places. The Parks and Wildlife Service which is also part of this department is a substantial heritage property owner - built heritage, I mean. We also have a role as a policy maker, regulator and facilitator who is able to work with and support the heritage sector and wider community to value its heritage. We're currently, as I said, working through a review and reform process especially in ensuring greater recognition and separation in the provisions for local and state identification, assessment, protection and conservation and management.

The national system - the introduction of the national heritage system is supported as a means of ensuring applicant recognition, protection and conservation of heritage in a tiered structure of places and values at local, state, national and world level - entirely consistent with where we want to go. However, the state government remains concerned with the uncertainties with which this system is being implemented and the current policy is not to support any nominations for the national list at this time other than the Port Arthur historic site which historically has had state government support for some time now.

There are serious concerns that the Australian Government is withdrawing from this sector in terms of management, strategy and funding from the system and the examples we have here is the withdrawal of world heritage area funding to Tasmania and the cutting of the national estate grants program. Both have been a major blow. I mean, what we've seen with world heritage area funding is basically a

consistent bucket of money that's needing to be spread more thinly as other issues and other places come along - and that's of concern to us because it means it's creating a whole range of issues in terms of preserving and protecting what we've already got. You'd be well aware of things like the fox introduction which in itself presents a major threat to the WHA. We do support the concept of world heritage listing. As I said, the primary concern is the resourcing, and by example in the last five years we've seen up to $2 million in WHA funding removed from this state. So there is a concurrent need to ensure that an appropriate level of resourcing is provided at each of the levels in this heritage system model.

Just briefly on the final terms of reference, three points. The impacts of regulatory tax and institutional arrangements: as I've said, there is an immediate imperative to better establish and also resource each level of the system while at the same time ensuring that the system is better integrated and the mechanisms at each level and the approaches are at least compatible. Cost impacts: increased attention and commitment to providing fiscal incentives is critical, but we recognise that that can't occur in a vacuum by itself. It's got to be combined with education, communication, interpretation, increased awareness. Emerging trends: both individuals and communities have become increasingly interested in historic heritage recognising the need to conserve places so that these values can be passed on to future generations. Our tourism research shows us that our tourists are far more discerning these days. They're no longer interested in static house museums full of old furniture, with respect to those properties. What they want is - they like the old houses, but they want them preferably in their unique original context and with a context, so it's not just the house, it's perhaps the surrounds and some relationship with history or a person that gives it that uniqueness and that authenticity if you will, and increasingly our tourists are more and more discerning.

DR BYRON: And dynamic rather than static.

MR GADD: Exactly and more interaction, more creative interpretation, but not the sort of costumed interpretation sort of that was done fairly superficially in the past. It's more about getting in and understanding the personalities and things involved in the place. Home Hill in Devonport is a good example. It's a standing museum to the Lyons family, and it's still got the possessions. So as you move through the house, you get a real sense and feel for how they operated.

An increased focus on strategy and priority as well as an increased mandate for accountability in terms of producing outcomes has also been apparent in recent times. Development pressures, the economic environment, the emerging trend of establishing thresholds for assessment and management of historic heritage across the three tiers of government all influence the conservation of historic heritage. The final point on emerging trends is adaptive reuse. We think that's important. It provides many environmental benefits that lessen the impact on the environment and

limits the need to draw on new resources and building materials. It can help to reduce the cost of new development, enhance heritage values, provide a direct benefit to the environment, relieve the burden on the public purse, and on it goes. So adaptive reuse we see is a big part of the future solution for how we go about conserving.

Finally possible program policy approaches. As I've repeatedly said, there's a need to recognise constitutional and financial realities and the responsibilities relating to the tiered approach to heritage listing. Ways in which the community can contribute to conservation warrants further consideration, including innovative approaches to address market failure and serious consideration of incentives with fiscal recognition of the value and cost of heritage; a need to move away from the emphasis from old home and give more emphasis to places and landscape, and that comes back to the total context I talked about.

Just in conclusion, the Tasmanian experience is one where heritage, tourism, local government, et cetera, are making huge leading strides forward in the ways we can work together in partnership to develop integrated and innovative solution systems and approaches. What we're doing this year for the remainder of this year with the state and local level presents a real opportunity I think to get it right with respect to the national level and how we all integrate and get that greater cohesion through all three systems. Thank you.

DR BYRON: Thank you very much. That's been an excellent summary of a very useful document. I'm reassured that we're thinking along very similar lines. I don't know whether it's a question or not, but one of the things that I got out of both your comments and the written submission is the emphasis on clearly articulating the linkages, if I can say, vertically – world heritage, national, state, local. I guess you could go down to family or whatever, but getting that sort of vertical structure right, getting the horizontal linkages right between what the governments do and how that relates to non-government and private and corporate and churches and so on, and then the third dimension that you raise is between built and historic heritage and natural heritage and indigenous.

So am I right in thinking that your approach here in Tasmania is thinking about integration in that third sense because the Australian Heritage Council made that point to us last week, that they were saying the distinction between historical, cultural, natural and indigenous heritage was in some ways artificial, putting things into silos that they didn't need to be.

MR GADD: No. That's very much been our approach. If you look at the formation of this department, we brought all those elements together combined with tourism and the arts as well which, if you think about it, is very much the brand that we've tried to create that is Tasmania. We've actually - in a sense we've actually

separated indigenous heritage from cultural heritage in the last two years, but they're still under the same department, but they were once in the same unit. So we've given them distinct identities, and we've put an emphasis on Heritage Tasmania with that new branding of Heritage Tasmania, and we'll do similar with indigenous heritage.

I didn't mention, but we're also in the throes of a major reform of our indigenous heritage and also a review of that act as well. So the synergies will be there and we'll bring them together and we'll try and get the linkages with the planning system as we go forward as well. So the simple answer is, yes, that's very much what we're trying to achieve.

DR BYRON: I've never looked at indigenous heritage and we're not looking at that in this inquiry, but it seems to me that there are lots of parallels between historic heritage and natural heritage in terms of the types of issues and the types of institutions that are set up to deal with it.

MR GADD: We had a classic example in this state where they both interlocked beautifully, and that's Recherche Bay where we had the French explorers who made wonderful botanical collections, but they also had the first major interaction with the indigenous community and actually recorded it. So that's a beautiful example of how they intertwine, they interlock down there on the south-east peninsula.

DR BYRON: Yes, and trying to deal with half of that problem in isolation isn't going to work.

MR GADD: You can't do it, and pretty much anything we do with respect to heritage, there's usually an Aboriginal heritage component or relativity somewhere involved.

DR BYRON: You mentioned in the submission and in your comments there that a lot of built heritage places are in private ownership, particularly if you include institutions like churches and that and banks as part of the private sector, and they've been retained and maintained by people who own them because they thought it was worth doing because they were using those buildings, and they perhaps continue to adapt those buildings over time. But it was basically - I'm trying to sort of build up a conceptual model of why buildings are kept and then why they suddenly stop being kept.

So if the owner, whether it's a church or a farmer or a company, comes to the point where the costs of maintaining the building are getting higher and higher or the building no longer provides the sort of services they need - you know, it's not up to modern standards, et cetera, they get to the point and say, "It's not worth my while to continue to maintain this place." They might sell it to somebody else if it wants to. They might decide that it should be demolished for something else. You could put

better use on that land, et cetera, and that creates the tension between the public interest and the private interest.

There's an implication that because previous generations have maintained a building, we're obliged to. It's sort of a philosophical question, but a different interpretation would be each generation has used the building and changed it. This could be - probably not this one, but some buildings over there that might be the fourth or fifth building on that same block of land over the last 200 years.

MR GADD: But nonetheless they probably still represent some point in history or some significance to some part of the community in that point.

DR BYRON: To try and come to a question, what proportion of the places need to be sort of snap frozen in time as a time capsule, and what proportion of places might continue to adapt and evolve as they have up to now?

MR GADD: I'm not sure I can put a percentage on that, and there would be both. Certainly everything you say is right, and the other thing is legislative and statutory requirements. Just recently in this state we've had a Building Act and Building Code introduced which along with OH and S and all the other things - disability access and things we've seen over the years - can have major implications again. In terms of percentage, I'm not sure. We have a range of both. But I guess I go back to the comments before where we haven't had that development pressure for the last three decades. So in a sense, a lot of what's here is actually beautifully preserved, more often than not in an original state.

DR BYRON: Because it's still being used.

MR GADD: Because it was either still being used or it was walked away from at some point in time and just left, and then there's a range of adaptive reuse sort of options; things like some of our old mills and things. Good examples are along the Derwent River up towards the valley where they've been readapted into B and B's and private homes and things like that. I don't know if you can add anything in terms of the actual numbers.

MR ROMEY: I couldn't do that but I could quote an example of the dynamics of that process. Recently I was at a site on the Tasman Peninsula which was the former surgeon's house associated with the Saltwater River Probation Station, convict probation station. It was built in the 1840s and the reasons it was there was that the Port Arthur Authority does commit a lot of especially in-kind resources and expertise to assisting private owners with some of these places to conserve them. What had happened with this particular place was that it had been - it hadn't changed hands very often since the 1840s, and by and large, the families that had owned the house never had the money to do much with it.

So what's happened recently is that it's been sold to a family from Sydney, who saw it advertised in the Australian in a colour magazine, for an incredible price compared to Sydney real estate, and we're very fortunate in that this particular family bought the place knowing it was what they wanted. They wanted an historic house with views to die for, and they knew more or less what they were taking on. We're now in the process or the family and their builder with our assistance is working on that house and stripping away some - mainly doing a lot of structural repairs on it, stripping away some of the accretions.

In the front wall there had been a window which was bricked up. When we removed the plaster which a lot of it was falling off anyway, the window frame is still there because it was easier just to brick up the window for whatever reason than to spend extra money and pull the window frame out and use more bricks and whatever. So we have a dynamic there where conservation has been an unconscious kind of process largely driven by lack of funds. The critical moment came in that particular process when the property was sold after being in the same family for many years to somebody who knew what they were taking on and they want to do the right thing.

So they got a grant with our assistance from the federal government through the Cultural Heritage Grants Program and that house has now been adapted in the sense - even though it was a house before, it was unliveable - as contemporary residence, but all parties involved are very confident that in that process, the values that you would attribute to that place as meriting its conservation will be maintained. So I use that case study to indicate a fairly radical shift in the way that building is being used and regarded. I think it's fair to say the current owners probably value it as a heritage item more than previous owners, but fortunately previous owners didn't have the money to destroy the values that we are now so concerned with. This kind of thing is happening a lot. So as one dynamic disappears, another hopefully in many cases productive and constructive process takes over.

MR GADD: I think part of the answer is in how we differentiate between local and state and national significance in that maybe just to be a fine example of a piece of architecture at a certain point of time is a significant issue at a local level, but perhaps it needs that broader context, that connection with history, that connection with some prominent person or some community aspect that moves it to the next level, and I see that as part of the solution as to how we differentiate. A lot of what we've probably got in this stage, whilst it's significantly heritage, would probably on that basis fall to the local level which would enable us to really concentrate on those core assets at a state level and more so as you move up to national world heritage.

MR HINTON: Thanks, Neil. I add my thanks to Neil's thanks for participation by the Tasmania government in our inquiry. Thank you very much for your

participation today and your written submission. It's important to get that sort of state government perspective on these issues, given the vital role that states play. I have sort of a range of questions, some very broad - almost helicopter-like view - others down quite detailed. So I'm going to try and start off with some of the broader issues.

The first one is really one of looking at where to in the sense that - or how to go where we want to go to in the sense that there are a lot of proposals around in different jurisdictions and certainly our report will have a number of recommendations, but because there are three tiers of government involved here, there is a fundamental question about how to progress these sorts of recommendations. I'd welcome the Tasmanian government's perspective on that. I have in mind for example is there a need to have a COAG meeting. Is there a need to have an inter-governmental agreement across six states, two territories and the Australian government that might progress these sorts of things that Neil and I have been talking about around Australia with both private sector, public sector entities. Do you have a Tasmanian government perspective on that sort of helicopter look?

MR GADD: I think the short answer is yes, but from a Tasmanian perspective,

their hand through the process. The resourcing side of this is the hard ask and I'm working up an ask to go through the budget process this year. It's no simple solution. It's not just a case of employing a heritage adviser for each council. In some cases there might be co-funding heritage advisers with a council; it might be supplying a heritage adviser from a pool to a range of councils; in some instances it might mean we've got to actually put a project team in and then get them up and running. At the same time we've got a review of our land use and planning appeals system happening. So the timing is good to make sure what happens at that level is also reflected in the Heritage Act, and also through the local planning system.

MR HINTON: But taking that to the next step, if you've got the listing, you've done the survey and those schedules are then addended to the planning requirements of each local government area, there's still a system needed, how that actually gets applied on the ground in terms of development applications, for example.

MR GADD: The local government is the front line and they're always going to see it - I would expect that maybe the Heritage Council at the state level would potentially also have a role in dealing with some of those local issues where they're not straightforward or they're not easily dealt with through those local planning schedules.

MR HINTON: Not wanting to focus overly on that particular level of real life application, is there an inherent tension between making decisions at the local level relative to say a statewide approach to a particular policy objective, in this case heritage conservation? We have in some states some councils that are very pro development, that is their three priorities are jobs, jobs, jobs. You raise questions of heritage conservation as an objective, they say, "Well, our constituents aren't interested, therefore they're not going to spend resources." But if there is a state government policy that the heritage objective is important, that would seem prima facie to suggest some constraints, controls or guidelines or parameters imposed on local governments to help pursue their heritage objective. Has Tasmania come to grips with - - -

MR GADD: Yes.

MR HINTON: That was a rather oversimplification, but has Tasmania come to grips with that tension?

MR GADD: Yes, we have and I'm reluctant to say that we're going to impose those on local government because our next step in the process is now go and consult with local government and flesh out what some of these resourcing issues are going to be. In an ideal world, you know - and I'm not that idealistic - we'll get broad agreement and I'll be able to get a funding package out that addresses everybody's needs and that we will accept that this is a big part of Tasmania's future and everyone will pick

up the responsibility and go with it. But I fully expect that there could be a five to 10-year strategy.

DR BYRON: On the question of lists, do you think there's a confusion out there in the public - I was looking at some of the places that are on the State Heritage Register and they're also on the register of the National Estate. They're also classified by the National Trust of Tasmania. Do you think people out there get confused by three different lists? I mean, we know there are other lists as well.

MR GADD: Well, I do, so I wouldn't be surprised if they do. Unfortunately that's a historical hangover which we also hope to address as part of this review as well. Without pre-empting what might happen with the National Trust I would probably strongly argue personally that there's no need potentially for that list to exist if we've got the heritage register in such a condition that, you know, it addresses everybody's needs.

MR HINTON: I had a question that falls more to your responsibilities, or certainly the Tasmanian government responsibilities, and that is an issue for some states - and some more than others - is their own buildings, that is they're in state government ownership, they have varying degrees of heritage significance and of course they're held across different portfolios within the state government. Can you give me a feel for how Tasmania is approaching that issue, because there are several issues inherent in that sort of circumstance.

MR GADD: Yes, it's problematic. One of the hats I wear is director of National Parks which is a large owner of built heritage in this state. In fact we've become the de facto managers of much of it over the years. It's a difficult conflict. I mean, come the budget process I'm arguing bricks and mortar up against waiting lists and people who can't eat because they can't get teeth type issues. That's always the dilemma. But we've tried to do in recent times is highlight the economic spin-off of heritage and the value to the brand, that is Tasmania. That has a direct economic impact. But the other arguments we're working to build up are the impact that we have on the community health and wellbeing and I don't think that can be underestimated. Most government money is going into health and education these days - predominantly health - and there's no end in sight really.

Yet the talk now is moving to, "Let's be more proactive. Let's talk about lifestyle. Let's talk about encouraging people to eat right, exercise," those sorts of things which ultimately have an impact on not only the health system but the justice system and all sorts of areas. We're building the argument that our heritage is becoming an integral part of our community. The National Trust example: I've got lots and lots of elderly people come together around these historic houses and they have fundraisers and they look after the gardens and they have committees within committees. Ultimately that has got to be having an impact on their health and

wellbeing and I think there's a lot more awareness and recognition of that. People are seeking out their heritage, they're seeking out their historic cultural heritage, and it's those sorts of arguments that we've got to continue to push and it's a big ask when you're dealing with - - -

MR HINTON: Do you think there would be benefits in the ownership and responsibility for heritage properties owned by government to be put into the one portfolio; that is, some states have buildings beyond their needs - whether they be railway stations or post offices or schools - - -

DR BYRON: Court houses, police stations, old hospitals, hostel houses.

MR HINTON: But they have a heritage significance. Their particular portfolio - as Neil has often put in hearings - has the pursuit of service delivery, not managing heritage buildings. So they're quite happy to sell it off and let others worry about the conservation issue associated with the heritage building. What sort of systems might best be put in place to handle that efficiently?

MR GADD: Well, I think in principle it would be great to have one central manager of all these assets but - as a potential repository for all those assets.

MR HINTON: I'm not that transparent, am I?

MR GADD: That would be a pointless thing to do unless you resourced me to look after it. I run this argument with our natural resource all the time: it's all well and good to go and lock up more and more land in this state and give it to me to be responsible for, but if you don't hand me recurrent funds to look after it then I might as well go and put a match to it now - - -

DR BYRON: Exactly.

MR GADD: - - - because it's at risk. The principle is good because you could have the expertise, and we've got Port Arthur and we've got most of those assets in this umbrella now, so I can tap into the conservation and archaeological expertise that exists. But as I say, unless you're going to properly resource me for it then you're just compounding the problem really.

DR BYRON: My interest in that is one of the public knowing what they're paying for through a transparent budgetary process. If the Tasmanian government says, "Okay, we're going to put X million or 100 million into maintaining government-owned historic buildings, we will do that explicitly and transparently. If there's historic bridges we won't just bury that in the budget line for the Transport Department, it comes out of the heritage line. If there's historic police stations or court houses or schools or hospitals, we won't bury that in the health budget or the

education budget." They still belong to those departments but it becomes quite clear that the state government on behalf of the citizens of the state is spending X hundred million on maintaining government-owned heritage significant properties, rather than just sort of burying it so that nobody actually knows where it's going or how much we're paying for it. It's a sort of a transparency issue.

MR GADD: Yes, I think there would be benefits from a community awareness point of view. The difficulty always is, of course, that department heads will bury things in their budgets and when it comes to negotiate how much it actually costs to maintain the Richmond Bridge, I'm sure myself that that agency head had very differing views.

MR HINTON: Doesn't it also take you down another track - and speaking of something you said earlier, Scott, and that's adaptive reuse, that is if a set of buildings are surplus to requirements of a portfolio and if we all accept that occupation is one of the best ways to ensure conservation, that would take you to the track of, "Okay, surplus to needs, sell it off, let someone else own it and let them use it but conserve it," that is, even though the use of course would no longer be its initial use it would be adaptive reuse. Isn't that one of the key drivers and opportunities to look at?

MR GADD: It is, but you don't even have to go as far as to sell it off really, you can lease it. We've done actually that within Tally House which was costing my department something in the vicinity of 8 to 10 thousand dollars a month to keep the National Trust and the volunteers to keep the place open and alive. We've now been able to actually do a commercial lease arrangement with Gunns, whereby they've taken ownership of the property. The volunteers are allowed to stay, the National Trust are allowed to stay, they will continue to look after the house and grounds. We've identified some surplus area within what are very substantial grounds where Gunns intend to develop a wine distribution front-of-house type operation and also link that back to a restaurant that serves meals in the house.

So in that sense we've got a fantastic outcome. We've relieved the public burden, we've preserved the volunteers and the local community interest, and we've got a corporate sponsor that's prepared to take guardianship of the property for the duration of the lease. At the end of that, the state gets back a maintained asset in better nick than what we handed it over in.

DR BYRON: And you've still got public access and - - -

MR GADD: Public access is ensured and ownership is still with the state ultimately. There are opportunities also to sell, and in some cases these things are better off in private ownership, but it doesn't always have to be that way. But certainly adaptive reuse has to be the way we're thinking, and some properties are

more suited to that than others. We have to be a bit more creative. We've got to go beyond just conversion to a restaurant or a house, museum or whatever. We've got to think about these sorts of opportunities that are out there, but we're also hamstrung by the lack of big corporates in this state and the lack of philanthropic opportunities.

MR HINTON: I have one more question. It may open up another whole debate, but let me try it anyway. It's to do with, having just discussed public ownership, private ownership. In particular I have in mind here a very important category, residential ownership, houses in the hands of the individuals that own houses that are of heritage value. This is where the local government role is very significant and there are significant tensions out there in a number of communities - a large number of communities - as to how the heritage objective is pursued relative to their own perceptions about their house; they can do what they like with it, to coin a phrase.

The point that I wanted to raise with you is resolving that tension is very difficult, and one way to do it is to have transparent systems and certainty and know the rules, in effect. But it also has been put to us by some interested parties that these issues are so complex that maybe a simple system is needed, and a simple system would be right of veto; that is, if the owner of the house says, "No, I don't want to be listed," end of story. If the owner of the house says, "Yes, I want to be listed," it then gets captured or caught up in the system of heritage overlays for planning purposes of whatever. Can you give me a feel for what your views here in Tasmania might be to that sort of idea?

MR GADD: The thing that strikes me immediately about that model is it would be probably open to abuse by unscrupulous developers, and we know there are a couple out there. I mean, if it was down to the ownership of the house, there would be nothing to stop me just buying the whole block and exercising my right of veto, and the C.H. Smith at Launceston is a classic example. It's a very controversial heritage issue at the moment.

MR HINTON: Not quite residential, though. I was quite deliberately choosing - - -

MR GADD: No, that's true. That is CBD, but ultimately it will have residential components if the development goes ahead. But there would be nothing stopping somebody coming in and just buying up a street of houses or whatever and then saying, "Well, I'm going to do what I like."

MR HINTON: They'd still be subject the planning requirements, the zoning requirements of that land. The development authority - - -

MR GADD: Yes. If they had been done under the heritage listing, though, then potentially there would be less consideration of the heritage issues.

MR HINTON: Yes, that's the construction.

MR GADD: So I'd see that as a negative.

MR ROMEY: I think it's essential that heritage is seen as part of the planning process. It's not a separate process, and increasingly it is being incorporated into the planning process in many places. It had generic LEPs and heritage LEPs. They're now being combined into one LEP, which look at all aspects of environmental amenity, including heritage. I think you used an example of Battery Point before, a cottage on Battery Point. I don't think that there's any doubt that the sought-after qualities that Battery Point has are largely due to the baseline retention of so many of the properties there in some kind of original form that collectively create the character that people want. They want to live there for that reason.

If individual owners had been left with the choice - I'm talking about recent times - again you have to look at the economic history here where owners didn't demolish houses before because they couldn't afford to. But now they're not allowed to, and one reason you're not allowed to is because the community values the character of that place, and if they can afford to they will buy one and live there. I'm not saying you can draw that analogy to every community and every suburb and so on, but in a place like Battery Point it's unarguable that the gravity of retained character due to heritage is a major factor in the amenity of the area and the value of the area.

MR GADD: I think part of the solution is probably we could place a little less emphasis on enforcement and more on education and creating that awareness about the values of heritage and explaining to people what we know, what are research tells us; that is, people are seeking it out. It is increasingly valued, and there are other benefits, social and economic.

MR HINTON: Take it a step further, the example being of demolition not by direct action but demolition by neglect. Does that, given the sort of approach you've just described to me, therefore warrant government intervention to address demolition by neglect?

MR GADD: I think there will always be those examples, and a couple spring to mind immediately, so I said less emphasis on enforcement, but I do think ultimately you've got to have those levers up your sleeve.

DR BYRON: We've made headway into my question about listing places. A cynic said to us once that the lists have changed from being a list of places that have been saved by listing to "a list of places that we would have liked to have saved but now we're just watching them decay", because putting something on a list doesn't fix the hole in the roof, it doesn't stop the rising damp, it doesn't mean that the old woodshed

or mud brick place, whatever, is physically going to be conserved. One of the implications that came out of that is that whoever puts something on a list, whether it's a national list or a state list, not only should have a conservation management plan, which I think is now normal, but that should cover the question, "And how is all this going to be paid for?" because unless we know who's going to pay the expenses, it may well become a list of places that are slowly falling apart - or have I overstated that?

MR GADD: No, I think that's accurate. To some degree it is, but I'm not sure how you actually deliver and guarantee the outcomes.

DR BYRON: You were saying there has to be education as well as regulation. I was about to interrupt and say "and incentives", and you've already talked about rebates and grants and revolving funds and those sorts of things - but I think using all the policy instruments available, not just relying on regulation, because having a planning control to prevent demolition may not work on the demolition by neglect category.

MR GADD: Yes. We can issue notices to repair, but that doesn't work if somebody hasn't got any money, like Farmer Joe, whose barn is falling down. That's pointless.

DR BYRON: Yes, or the company has already gone broke.

MR GADD: But where we can go out there and say, "Do you know that if this was registered you could apply for a grant and we'll give you one dollar for every four you have to spend" or whatever it is, "and at the same time here's Freddy Smith, heritage adviser. He can help you with the planning process," you might get there.

DR BYRON: This is getting back to what Tony was saying about a sort of a quid pro quo and where people actually see a reason - that it's in their interests to be listed because - - -

MR GADD: This is why I say education awareness, and it's also promotion of the good outcomes. It's also holding up the icons - "Here's this expertise, and ultimately did you know you could actually tap into some of that expertise and maybe get a grant?"

DR BYRON: In view of the time, we're going to have to move on, but is there anything that any of the four of you would like to say by way of closing? I'm sure that there's a hundred other topics that we could have covered as well.

MR GADD: I'm sure I've said enough.

MS LEWIS: No, nothing to add.

MR HINTON: Thank you for your time.

DR BYRON: Thank you very much for your time and for coming today. Next up we've got the representatives of the National Trust of Australia, Tasmania.

DR BYRON: Thank you very much for coming. If each of you could introduce yourselves for the transcript so they can recognise the voices when we're talking later. Thank you for the written submission which Tony and I have both read with great interest. If you could briefly summarise the highlights, the main points that you wanted to emphasise for us, then we'd like to talk with you about the submission. Thanks for coming.

DR MYHILL: Thank you very much. Thank you for the opportunity to. I'm Marion Myhill. I'm the immediate past president of the National Trust and a member of the government advisory committee on the National Trust at the moment.

MS CHAPMAN: I'm Jennie Chapman and I'm the state promotions officer and liaison officer for the properties.

DR MYHILL: Thank you. Are you happy for me to lead off and summarise essentially our position?

DR BYRON: Yes, please. Thank you.

DR MYHILL: I think you have to read our submission in line with the ACNT submission which is rather more voluminous than ours, but for that reason, we were spinning off that as an extension and I would like though to pull out from that and also from some other general documents what we see as being our line essentially in this particular issue. I don't know that it's important - I think it's important but I think you'd be aware of the role of the National Trust in Tasmania over the last 40 years, and it was interesting listening to the last speakers that if one thought of Battery Point 40 or something years ago, I think we should give ourselves something of a pat on the back to the fact that it's there. It has been the role of community groups that have coalesced around the trust that a lot of that heritage that we now think of as commonsense that we should be keeping was initiated, the idea of keeping it was initiated and the action in actually keeping it was initiated largely by groups that coalesced, as I said, around the trust. So I think we have always had something of both an action but also an educative role, and I think that has now become part of both legislation but also tourism and other views that see it as an asset rather than a problem, and I think that would be the line that we would wish to take in broad terms.

Our perspective is from the not-for-profit sector, the community perspective, the view that there are concerned citizens who put their time, their energy and their funding into a public good that the consider to be important, partly for the sort of reasons that have been mentioned already, partly for the buildings themselves but also for a range of other - it's called "lifestyle" now, but I think it's wellbeing, cultural and other benefits that are broader than just the bricks and mortar.

I think the third point that I might make is that we would consider that the government really needs to take a strong leadership role - government at all levels - at this stage. We've done a really good job, but there are financial issues now which are beyond the capacity of a community based organisation to continue funding. Built heritages have become something of a Cinderella area and I was interested to hear the previous one where you come third, a slow and long third after health and education. It was pleasing to hear that there is a glimmer there that it is actually linked to health and education and I think that's a good point, but we're still waiting for the handsome prince to come along to pop us up into a much more prominent position and I'm hoping that you are it. We're relying on you.

I think we should also look at our submission in the light of - and we've been particularly interested in the UK model which is if you read the documents from The Power of Place onwards in 1999, but there's also much more recent ones like Tessa Jowell's position paper, as the government minister, called Better Places to Live. There are sort of half a dozen documents that have come out of the UK through both English Heritage and the Department of Culture, Media and Sport, that they're positioning heritage much more up-front and are taking a much more active role in government taking a line. I just looked at the action of the government coming out of The Power of Place and it's very clear on what government's role should be and it's not just a supportive role, it's very much a leadership role in terms of funding and taking regular action in both their own properties and also facilitating heritage organisations and local governments and owners. I think we've seen that as a model that we should all look very seriously at in terms of the way that the community groups, government at all levels and private owners might well work together in a positive way.

Clearly there's a value to heritage in Tasmania, and I'll take that as a particular case rather than just the general case in Australia. I mean, Tasmania in particular is, by virtue of, I'd have to say, positive action but also by positive neglect, I suppose you'd have to say in an economic sense, a place where we have a repository of a very large number of listed heritage and a very large number of heritage that is yet to be listed. I think that's both its advantage and its disadvantage. It's a large repository of social capital, you'd have to say, if you want to look at it in those terms, and it's also a place now, because of their attention of the built heritage to such an extent that it is a place which lends itself to clear identification of what, certainly in a certain period of Tasmania, is its clear distinctive identity.

But the identity from our perspective is not for the odd icon, it is all of it. It is the fact that it's like no one tooth is any more important than any other, you need the lot to eat well. Our view would be also that it's the fact that there's intact multiplicity of small heritage properties as well as the main icons that creates a whole of state heritage situation. If you looked at villages like Evandale, Richmond, to take two clear examples, it's not just a matter of one-on-one decision-making about particular

buildings, it all needs to be there to create the identity and the cultural capital that that provides, not just for the people that live there but for the tourism industry in Tasmania as well. Who would want to have a look at one building? You go there for the aggregate ambience of a heritage area. So our argument would be that icons are good but you need more than icons to create a cultural identity. It's the saving of the small and the aggregate that is an important aspect of this, rather than a single heritage property.

So we talked about sense of place, we talked about national identity, we're talking about local identity, we're talking about the opportunities that Tasmania in particular provides for the country because of its intactness, and we're saying of course that it's under-resourced. It's under-resourced because the numbers suggest that we've got 30 per cent of the listed heritage and we've got 3 per cent of the population, and that doesn't create a very economically advantageous situation that anybody could work at. So that's why we in particular are interested in promoting an alternative or a better vision for funding of heritage and to make it much more mainstream, because a state the size of Tasmania and an organisation the size of the National Trust can't do it all alone. It should be seen as a national asset as well as a local asset.

The tourism value I have mentioned. Clearly, tourism is an important aspect of our economy, Australia as well as Tasmania. If you look at the UK example, I think they're the example par excellence in the English-speaking countries who have turned buildings right across the country into tourism assets, but with considerable strategic thought and also funding. While the main icons - and perhaps if you read The Power of Place - it's clear that there are something like 10 iconic properties around the country that account for something like $70 million worth of tourism, the point that we made there too is that while they're sort of the key attractants, it's the surrounds that are equally important.

The Tower of London I think is the most visited site in the UK, but if it was on its own, in a sense, if London had only the Tower of London, you would have to argue that it would be curiosity value but its heritage value would be much diminished, and I think you'd have to say that for all the iconic - possibly not Stonehenge but the rest, I think you might argue, need the surrounding site. They also provide tourism in a direct sense, but clearly what they also provide is the opportunity for accommodation and the sort of allied aspects of tourism that you've got to stay there. I think that would be our view too, that maybe there are one or two iconic properties in a state, but you need the aggregation to bring people in to see the whole state as being a place that has an economic benefit. It's not just one particular place. You have to have a range of places. As people in tourism tell me, when they get off the boat, you want them to turn right as well as to turn left. To turn right as well as left, you have to have something to see, something to do, somewhere to stay, somewhere to eat. It has to be a combination, and heritage can be a pull factor in all

of that.

So we would argue that firstly, heritage is a good in its own sense. It's an intrinsic good, it's a public good. It's also an economic good by dint of the tourism aspects and then it's a public good by dint of the fact that if you keep a sufficient number of heritage places, then it also encourages skilled trades. There's an economic aspect in terms of employment in that it keeps alive certain kinds of skilled trades which wouldn't be viable for one property but are viable for a range of properties that might call on that particular skill. In light of the Australian technical colleges' concept, we would be pushing that skilled trades in the kind of heritage area might well be considered to be one of the apprenticeship areas that could be developed under the ATNC model which would be a good aspect and development. But there needs to be a concentration and a volume of work for people to train in those apprenticeship areas, seek experience and also seek employment afterwards.

I've mentioned that we have 30 per cent of the heritage of the nation and 3 per cent of the population of the nation. I think that's the sort of statistic that we need in Tasmania to keep in mind because it's the thing that concentrates both the fact that we have the asset - it's the small population and the lack of growth in an economic sense which created the asset - but the obverse side of that coin is that it's also created the funding problem and that's why we need I think to see our heritage as both local, state but also national, and therefore governments at all those levels to have a strong role in supporting that. It's not doable from the bottom up.

I was interested in your question about private ownership. It's the same issue there, that if you look at rural heritage - and Jennie will mention that in a moment - the farmers haven't got the capacity, given the economic downturn to the farming industry - for the cultural industry to maintain properties in the way they may once have done. So it's coalesced in a particular kind of way. We've always got lots of volunteers and I think if we added - and Jenny has done the financial homework on that but we've got something like 55,000-odd hours of volunteerism in a year. If you equated that into salaries we are putting a significant amount of in kind support into the community which, if we didn't do it somebody would have to pick it up and pay people a weekly wage and that would I think make it rather prohibitive and a difficult situation. So we are in a sense hiding some of the costs in maintaining heritage by our volunteer force which is doing it for the benefit of the community at large.

But we should also say that our volunteer groups are in the retiree age group, so if you were looking five to 10 years down the track it would be interesting to see where this equivalent number of people would come from, because the surveys seem to suggest that people under retirement age are no longer interested in regular volunteering into these sort of activities, and people over 55 are less interested in volunteering too on a regular basis because they've got a mobile phone and they're looking for a bit of travel, but the lifestyle of people in that early retiree age group

now is not consistent with serving as a volunteer every Monday or whatever in a heritage property and that I think is something which is a hidden issue that's going to arise but relatively soon.

We've worked on the basis of having an unpaid workforce for a large part of keeping these properties and volunteer expertise. But I think the chances of that continuing into the future are going to be relatively slim. In terms of the houses we have open, clearly the house museum is on its - I was going to say on its last legs but that's perhaps not quite the way to put it. House museums are in themselves a heritage item and we are consistently and quite rightly under pressure to reinterpret our properties in a rather more sophisticated and contemporary way. If you look once again at the UK that's done strategically but picking properties to identify particular periods or particular architectural styles or whatever. We would like to do the same but once again it requires expertise and it requires significant funding to turn what we have now is the like the low-cost option into something which is rather more visitable and contemporary in its presentation.

On top of that we have the issue of disability access which we have been grappling with in various ways but which again is not something that sits easily with the fabric or design of a heritage property, and while we would like to encourage more visitors to our properties, if we have to create disability access - it's not that we don't want to but just to do that is a rather more significant prospect than it would be in new properties where it's built into the architecture. So there are a number of reasons why we've done well, we're continuing to do well would be my summary of it, but we can see ahead that there are significant factors which would make it less possible to do it as well as we would want to.

If you looked at some of the other documentation you'll see that every one of the properties that is relying on visitor numbers to support it and membership of the trust to support it, they are not economically viable in the short to long term.

DR BYRON: But that's basically true all over Australia, I think.

DR MYHILL: I'm sure that is.

DR BYRON: All the National Trusts are telling us the same thing. It's not a uniquely Tasmanian situation.

DR MYHILL: I agree with that but the difference I think elsewhere - and I mean the trust is a nationwide movement but it still operates separately by state. I think the difference you'll find in a state like New South Wales, which would be the obvious comparator example, is that - the population of New South Wales you'll have to tell me, but it's more than 3 per cent of the national population. Also the difficulty we find here in a state like Tasmania is the lack of sponsorship dollars that are available

because the headquarters are absolutely empty - company-wise is in New South Wales. The sponsorship funding tends to go to the properties in New South Wales because of the nature they assume - well, they're in the city area basically and it doesn't filter through to the other states under our current structure.

I mean 3 per cent of the population - I don't know how many really. I can't think of a multinational that's got a headquarters in Tasmania. If you think of somebody let me know but it just doesn't happen. So that sort of subsidiary funding that you might well require - and plus I have to say if you look at the demographics of Tasmania, which is the other thing, not just the numbers but the demographics, I don't know how many people would be here on some kind of a pension but you'd have to suggest it would be higher pro rata than it would be in New South Wales or Victoria, or probably the other states perhaps with the exception of the Northern Territory. But this is a population where the demographics are much more skewed than they are elsewhere and the capacity to pay would be much lower, or the capacity to find private support for heritage would be much lower than anywhere else that I can think of off the top of my head.

Western Australia is in a different situation from us because there's a lot more sort of private money and large projects around that you can apply for that you can use to spin off some of the heritage projects. Victoria and New South Wales have got strong Melbourne and Sydney based populations which are prepared to support heritage to some extent. We're in a unique situation from that point of view, a small population and particular demographics, and related to the business sector, a relatively small number of large sized businesses that would have the capacity to pay.

DR BYRON: Jennie.

MS CHAPMAN: Well, broadly I would agree with Marion in terms of the fact that we do have only 478,000 people in the state that are resident Tasmanians. On top of that we've got some 780,000 visitors to the state. So tourism is becoming - and certainly is - a growth industry for Tasmania, and heritage is very much a part of that growth and focus by Tourism Tasmania. It would seem that because of the volume of heritage places in Tasmania, both listed and unlisted, they're a threat to themselves in the sense in that there's not enough funding and support mechanisms for people to be able to address the conservation factor and also to address the regulation system that exists.

It's a way of somehow not only educating the community but easing processes in that sense. I'd like to highlight the rural sector in private ownership. Marion has mentioned the fact that the viability of farms is an issue and is going to become more and more so. Obviously with recent drives of Tasmanians up to Sydney and Canberra it's going to get considerably worse. But there are a large quantity of

heritage places that are registered that are in private ownership. We talk about market failure, and certainly in your issues paper, market failure is raised a number of times. I think here we certainly have an issue of market failure. If you take in the barns, the exterior buildings, the odd farm cottages, the shearing sheds, all those buildings are of significance to the country and to the state.

In the case of the shearing sheds we're regularly seeing the farmer actually building a new iron shed as opposed to fixing up his old shed. I think that it's an education problem but also too I think it's an issue of perhaps they're worried about the regulations that they might have to confront in actually dealing with modifying or adapting their shed to current use, so they bypass it and actually build a new one and it solves the problem. The old shed sits there and slowly disintegrates. How do we fix this? I'm not sure that grants are the only way to go. I have a feeling that perhaps if there was some form of funding structure on a low interest rate arrangement outside of bank loans, that may be the way to address the situation, where they're accepting the regulations and terms of the conservation of the shearing shed but in turn if they choose to sell it on, what is the scenario if they receive a grant.

It seems to me there are questions that need to be addressed in that area to make it easier for them and also to, at the end of the day, conserve those heritage places, the same as the cottages. We have travelled around - and I know you have - there many on-farm tourism accommodation cottages now. Obviously they're now being used as buildings on a regular basis, so it's helping to maintain them and it's also adding revenue back to the farm. So that's a positive outcome but in the case of the shearing sheds, and of course Australia's wealth originally came from the shearing sheds, perhaps we need to look at some sort of thematic funding for specific processes and apply them to such buildings - outback heritage. You can think of mining landscapes, you know, there's so much. The west coast here in Tasmania as well with the mining heritage that's there and is now just sitting derelict. They're all areas that need to be addressed and who's going to pick it up and run with it.

DR BYRON: Industrial heritage generally - and I guess shearing sheds are just a subset of that - but it could be steam engines or old railways and wooden bridges. Industrial technology that is now sort of obsolete or redundant which has heritage values but is no longer worthwhile for the current owner to continue to maintain it and use it, they would rather have a shiny new one, you know, it's hard to see what the adaptive reuse potential is for an old timber bridge or a shearing shed or an old gasometer or something.

MS CHAPMAN: That's right. The sustainability and viability factors don't necessarily always come into play, do they?

DR BYRON: The owners of properties like that who basically said, "Well, the old one is just getting too expensive to maintain and it doesn't do the job to the standard

that's now required," it seems to me the question is what would society have to offer him to change the balance of the equation so that he says, "Okay, on that basis it would be worth my while to persist with this or to put more money into maintaining it," or to accept that, "It's a lower standard of service than I could get out of the shiny new one but I'll continue with the old one because" - whatever. It seems to me that the challenge is to work out and then negotiate that sort of - - -

MS CHAPMAN: And you go and talk to any farmer and they'll tell you wonderful stories about what happened in their sheds or in their cottages or whatever on the farm, but it's all - - -

MR HINTON: Can we just stay on this topic for a moment. I have a follow-up - I was going to ask you a question - - -

DR BYRON: I think I interrupted Jennie.

MR HINTON: Jennie, have you finished?

MS CHAPMAN: Well, I can go on to the trust perspective in a moment but we could talk rural if you like.

MR HINTON: I was going to be the devil's advocate for a moment. Neil's raising a question of incentives to get a farmer to retain it, rather than build something else in the shearing shed. But the question to my mind is, what is the significance of that building that warrants intervention by government to conserve it; that is, you say it has wonderful old stories. Retaining that particular building, are you going to retain them all; are you going to retain a subset of them; are you going to retain a couple of them in Tasmania, a couple in New South Wales? What system are we going to have? Surely we can't retain them all.

MS CHAPMAN: No, I agree with that. It's the same for the trust in terms of our lobbying for existing funding. Our properties are already recognised on all the registers.

MR HINTON: We'll come back to that, I'm really getting to the - - -

MS CHAPMAN: No, but the properties, like the rural industry properties, some have high significance registration, some don't. Obviously I think there has to be a priority structure there in terms of the funding and how you address it. You go to Woolmers Estate, you see an 1819 shearing shed; you go to Clarendon, you see a shearing shed standing there that can tell a marvellous story, but at the moment you can't access the building because we just cannot get the money to fix it. It's the balance of how there's the issue of available funds - and I do see a difference between the grant process for the not-for-profit sector and the private sector, because

often the private sector may not be the long-term owner of that property. So how at the end of the day, if they've got the grant process, is that going to be dealt with, whereas if it was on a loan arrangement - - -

DR BYRON: Conservation provenance on the title?

MS CHAPMAN: Possibly, yes. No different from natural heritage. They knowingly are entering into an arrangement there which is certainly going to have ramifications but it's an incentive for them.

MR HINTON: Demolition by neglect.

DR MYHILL: That was a good issue, in a sense. I think you have to have the incentive as well as the regulation because people have got to want to do it. I think it's partly the individual, it's also partly - there has to be some leadership being shown I think here and some strategic leadership shown. It's all very well to leave organisations like the National Trust to keep identifying the new evolutions of heritage, but you need to have a broader perspective that starts before the shearing sheds start falling down. I mean, Jennie reminded me of the example, if we drove past Ross there's a shearing shed that every time I drove down that road you sort of weep because it's sinking further and further into the ground. Now, it may not be the one that you would necessarily want to keep but - - -

MR HINTON: That was behind my question: why that one?

DR MYHILL: It might be that one because it's there. It's a very public one and you might want to do it, but the point is, at some point there has to be some kind of strategic approach to deciding what might be there, but at the moment it's coming from a push to do it and then you're having a problem now, the farmers used to once take great pride in keeping all the heritage going because there could be four or five generations' worth of ownership of a particular property and they would take it upon themselves. But as Jennie is pointing out, there's an economic imperative that takes the funding away from something like that into other areas. It's trying to find a way to give the incentive back to them looking after their properties, rather than letting them fall down to such an extent that it's too expensive to resurrect them.

MR HINTON: Sorry, I diverted Jennie - - -

MS CHAPMAN: That's all right.

MR HINTON: Jennie, are you going to say some more words about the trust?

MS CHAPMAN: Yes. I did want to just use Clarendon as the example in terms of one of our trust properties, but obviously the scenario is pretty similar for all. But if

MS CHAPMAN: I think there is no harm in the independent view. We don't have the statutory powers that the Heritage Council have, and I think that in the future, the Tasmanian trust will probably work more in sync with what the Heritage Council is actually doing and with development applications specifically. But I can see no harm in an independent voice if it's representative of a community sector of Launceston, Hobart or wherever, and the trust is putting up their hand for that particular issue.

MR HINTON: As part of the consultative process with community. Is that what you had in mind?

MS CHAPMAN: That's right.

MR HINTON: Rather than a formal views obtained and approval given process.

MS CHAPMAN: Yes.

MR HINTON: That's what you see coming out of the review of the Historic Heritage Cultural Act.

MS CHAPMAN: I think that's also, too - historically that's what the trust grew from; concerns of the community in the development of Sydney Harbour or Port Melbourne.

DR BYRON: But the landscape has changed a great deal in the last 40 or 50 years - - -

MS CHAPMAN: It has.

DR BYRON: - - - because then there were no state heritage agencies or state heritage councils. There was no statutory listing, and it seems to me that the context in which the trusts operate has changed greatly in the last 30, 40, 50 years, and I'm getting the feeling that most of the National Trusts in each state are trying to develop their new identity and a new niche in this new framework.

MS CHAPMAN: Yes.

DR BYRON: In Western Australia I think they're in the process of getting the act of parliament that gives them a special imprimatur repealed because it was getting in the way, and they're going to be a company limited by guarantee.

MR HINTON: So you would see after the review of the act and the Tasmanian system has been reformed that there would be no need for your own National Trust list here in Australia.

MS CHAPMAN: That was interesting to hear that this morning I think. Once again I think it's certainly a list that we refer to as an organisation in terms of our own awareness of heritage in the state, and I don't know whether Marion has other views on that.

DR MYHILL: No. I think the question comes down to leadership and the vanguard in these things, and I think we would always wish to have some listing role in the sense that somebody has got to go the next step constantly. 19th century has been done quite well. The 20th century is still barely touched, and to some extent the 19th century part that has been done, it's reasonably comprehensive, but there are other things that we have yet to look at, and I think what an organisation like ours does is have that capacity to look ahead, take the next step and act as a kind of educative body in terms of where - whereas government agencies tend to act on what is, we're looking forward in terms of what might be.

MR HINTON: But if the list that gets established that has national significance and had state significance and local significance and lovely criteria that bring integrity and robustness and rigour to that system, that implies certainly to me that it is not a static list. In fact it is reviewed such that things can come off and things can come on. That suggests to me with that sort of construct it would be rather confusing to have another organisation here in Tasmania like the National Trust running its own list. That would not preclude the trust being actively engaged in contact, communication and consultation with those who maintain the rigorous list and giving views what should come off, what should come on. On the contrary I would have thought it would be essential that the trust be part of that process.

But I would have thought having another list prima facie suggests to me to be (a) confusing, (b) a degree of complexity, using your scarce resources inappropriately and not good governance.

MS CHAPMAN: I have to say in Tasmania, I mean, our list was provided to the Heritage Council for the foundation of their database. So in actual fact, the list we're talking about is pretty much the same in this instance but I think because that list was developed by an enormous volunteer capacity, within the community there's a certain resentment that the information was handed over to be used with the powers which then put the trust in this quandary-type situation. So it is still a matter of evolving and resolving these issues in my view, but I still can see no harm in an independent voice, and I think it's a good counter-balance to other strengths.

MR HINTON: We're not likely to leave here today with me suggesting otherwise.

DR BYRON: Of course there's nothing to stop anybody or any group of people from developing their own list of anything. It's just how much credibility it's given

or whether it's - - -

MS CHAPMAN: That's right.

DR MYHILL: I think what people have got to see it as is a plus rather than a minus. I mean the fact that people are actually interested in constantly looking at what else, what next, what else is an important source of creative energy I would have thought and should be regarded quite sensibly. What they're working on at the moment is lists that are already in existence, but as I said, there's a lot that hasn't been looked at.

DR BYRON: I thought initially when we started this inquiry that I was the only one who didn't really understand the differences between Register of National Estate, state heritage list and National Trust listing. But I'd say rather than being half a dozen of us who don't understand, there's probably half a dozen of you who do. But there's an awful lot of submissions we've received from people who thought, "But our place has been classified by the National Trust. How can you say it doesn't have statutory protection?" It doesn't, I'm sorry, or "Our place is on the Register of the National Estate, but" - well, you know, Register of National Estate never did confer" et cetera. I shouldn't be surprised at how many people are confused because I myself was ignorant.

MS CHAPMAN: And it has been - well, in Tasmania, it's only been seven or eight years that there's been this process of change, but there's certainly I think a huge amount of education that needs to be done to the private sector in terms of if they do own a heritage place, where do they go for information and how do they source easy steps to see them through their development application for the modification of their building. That is seriously lacking. It is one thing to have a regulation system and say, "We're here with a stick and we're going to tell you how to do it," of course someone is going to rebel unless there's - - -

MR HINTON: Consultation.

MS CHAPMAN: Yes.

MR HINTON: There's a review going on here in Tasmania - a review of the act - and early next year we're going to have progress there, but we also get the impression that a number of the state National Trusts are also re-examining how they fit in to this emerging different system, national, state, territory, local government, that is not necessarily reinventing themselves, but certainly examining themselves as to what is their niche, what is their particular expertise, what is their role for the period ahead in the different system.

Presumably those National Trust aspects can be done through contact with

your counterparts in states and territories to in fact get a synthesised way forward as to how the trust here in Tasmania will look relative to what it has looked like.

MS CHAPMAN: Even the grant and aid process, too - the future for grant and aid and the funding for grant and aid, there's that shift there, too, which is calling into account a reason for the trusts to look at the way they're focusing on this specifically. So - yes.

DR MYHILL: But to take up that point. Can I just take the point about the trust. There is a sense in which we are becoming more national in the sense that discussions are going on in a more national way than they have perhaps before, but I think that also there would always be the feeling that there's not one template that fits every state trust because we all, with varying degrees, believe ourselves to have unique differences. So while there might be some general areas of commonality I guess, I think the general ethos would be however that each trust has a somewhat different solution to the issue. Some trusts, as I think you pointed out before, have got more properties than others. Some trusts have got relatively few properties I think that they handle, and they don't quite see their role as being as much in that area as in perhaps some other - advocacy or education.

I think there won't be the same answer in every state, but there will be an examination of the relative role definition in each of the states, and I would also suspect that there might well be some more cross-referencing in terms of - you know, some activities like magazines and things - sort of informational, educational areas where we're all trying to work quite hard on that, but they're quite expensive ways of going about it. I think there's a strong sense in every trust that there are clearly sort of benefits of identity in terms of each state's heritage package, and that while there are national aspects, there are clearly issues that are very much more sort of state based as well and they would want to keep that flavour through it.

MR HINTON: I'm hoping that your pessimism about the ageing membership of the trust will be countered by the fact to some extent at least that the population of Australia is ageing; that is the numbers who are traditionally volunteers, the older age group, are going to be in absolute terms larger. Therefore a smaller proportion of the larger number may in fact be an increase for you.

DR MYHILL: That's a very positive way of looking at it. Perhaps we could have branches in the retirement villages; recruiting areas.

MR HINTON: Fliers in departments and large employer locations saying, "If you are leaving work, here's an alternative activity."

DR MYHILL: I have to say that it's only recently when we were examining this really that you start to look at what - we've tended to see the volunteers as sort of

providing person hours in terms of properties, but there is the other side of it which is they do it because they enjoy it and it's not just for the heritage. It is also for the social and other activities, and so I think we probably should put in for health grants I think as well. We've done a very good job I think in keeping a lot of people very active and - - -

MR HINTON: Out of nursing homes.

DR MYHILL: Yes, so I think we should be funded for that, too.

DR BYRON: I think we're going to have to move on in view of the time, but is there anything urgent or desperate that we haven't covered, because I would like to close up.

DR MYHILL: Well, it is a never-ending story, but I think that unless you have anything further for us, we've probably in the documents given a reasonable indication of where we are and where we would like to be.

MR HINTON: Thanks very much.

DR BYRON: Thank you very much. We might just adjourn until 20 past for a quick cup of tea. Thank you very much, ladies and gentlemen.

DR BYRON: Thank you very much for coming, gentlemen. If you could each introduce yourselves for the transcript and then if you could take us through the highlights of your written submission. Thank you very much for that.

MR LENNARD: I'm Brendan Lennard. I'm the council's cultural heritage officer and with me is Peter Curtis, who's the director development and environmental services with the Hobart City Council. We provided a submission to the Commission on 29 July. We made the point that it hadn't been formally endorsed by council. It is actually going to the full council on Monday night, 15 August. It went to a committee meeting of the full council last week, where they recommended that it be endorsed, so it's likely that it will in fact form the council's view. So if there are any modifications we'll impart those to the Commission in due course.

I guess the thrust of our submission is to advise the Productivity Commission how the council involves itself in cultural heritage issues, how it sees its role, how it deals with that strategically, how it deals with it in a statutory sense, make some observations about some of the current issues that exist. A lot of the issues relate to the council's interaction particularly with the state government rather than the Australian government, and to some extent this submission has drawn pretty much on council's policies and council's sort of interaction with the state government over recent years, and there obviously has been an issue in relation to the Historic Cultural Heritage Act. It was interesting having the opportunity of sitting through the government's presentation this morning.

We are aware that the Tasmanian government is addressing the various issues of the Historical Cultural Heritage Act, and I think the council takes some comfort in that. There will be some issues that the council will have to I guess address in relation to potential modifications that the Tasmanian government makes in relation to this question of state heritage listing and local heritage listing. Just to go to that particular point, council's current feeling on the matter is that it would be a lot easier if there was just one list. In fact, when the Heritage Council formed its list in 1997 it was enshrined in the act that they would look at the National Trust list, they would look at the lists of the Hobart City Council and Launceston City Council and compile the new Tasmanian Heritage Register from those existing lists, and that's pretty much what they did. Provided those places met their criteria, they compiled the Tasmanian Heritage Register from the existing lists. So that's how it exists at the moment.

DR BYRON: Would it have to be the sum of all those lists or could it just be selected highlights from them?

MR LENNARD: Actually, provided they met the criteria of the new act, provided the Heritage Council was satisfied that the places met the criteria, then they could place them on the Tasmanian Heritage Register. In practice, how it worked, probably 80 or 90 per cent of those places were in fact registered. In fact, it may

even by a higher percentage. So the current list of heritage-registered places on the Tasmanian Heritage Register in relation to Hobart are virtually similar. There would be a very small percentage of differences. So our council has taken the view, and the current council policy is, that we would rather, for everyone's sake, have a single register. In fact, we more or less put the point that, rather than having in our planning scheme a separate register of places in our planning scheme, let's just put in our planning scheme if the place is on the Tasmanian Heritage Register, then it is automatically registered in our local planning scheme.

That's well and good while the state heritage register includes places of state level significance and local significance, but if, for example, the Tasmanian Heritage Council started to deplete its list by removing places of local heritage significance, there would be an obvious concern. But if those places weren't picked up by local government or weren't taken back by the local government, they would sort of fall off the lists altogether. I probably don't want to place too much emphasis on listing. I mean, listing is something we've lived with for a long time and I guess it's an easy and convenient way of identifying heritage places. People seem to rely on lists. They seem to think if it's on a list at least they know what they're dealing with. So there is a fair bit of emphasis in all these discussions about on-listing.

MR CURTIS: I might add something there, Brendan. I think planning frameworks traditionally have used lists as a means of protecting heritage and heritage values. That's a fairly basic and fundamental way of protecting heritage assets, by simply saying that if it's listing in a planning scheme of being of heritage value and meets various criteria for listing, then development that impacts on listed buildings needs to be dealt with in a particular way, either ensuring protection of that heritage fabric or value. So I think lists are still a very important and fundamental mechanism for that reason.

The other factor that's emerged as to the reasons for council's position to support a single list - and I suspect it's the same in other local governments as well - I believe is that local government is very aware of the cost of maintaining heritage fabric. Increasingly lists are growing. Certainly as far as this council is concerned, it's conscious of the fact that heritage lists are increasing, and I think it feels some value in some independence as far as identifying what is of heritage value. In other words, increasingly there is - I don't like necessarily saying it - scepticism of internal assessment of heritage value. Hobart is fortunate in that Brendan is well respected as a fine heritage officer. I can imagine in other councils where there is a less heritage advice available even the engagement of consultants to provide advice still creates some uncertainty in those councils. So by deferring the listing and the identification of value of heritage assets to a body such as the Tasmania Heritage Council is also a relief, and it's a check, and that's what was beginning to emerge here as a reason as well. There's no doubt about that. There was a political imperative there that was emerging.

I think what's happening with the Heritage Council's decision to move away from a single list to separating clearly those assets of state significance and local significance is it's going to put the onus back again on local councils to resolve that matter. I think that's going to be very difficult for a significant number of councils in this state. There's no doubt about that.

DR BYRON: And in other states too.

MR CURTIS: And in other states.

MR HINTON: Scott Gadd this morning clearly recognised that.

DR BYRON: The resource costs that that would impose on councils.

MR CURTIS: Yes, and it's huge.

MR LENNARD: Just in relation to looking at the local things, for example, up till about 10 years ago the list that's in our existing planning schemes relied largely on the work that the National Trust did voluntarily about 20 or 30 years ago. We have in the last 10 years undertaken a serious sort of number of reviews of different areas of the city. We have funded that ourselves. In the past we relied on national estate grant funding to undertake historical work in relation to Newtown, in relation to women's historical sites through Hobart and other sorts of thematic type work, but in the last 10 years increasingly the council has accepted it has a responsibility, I guess, to undertake reviews, and that's referred to in our submission.

The actual process of adding a place onto our existing planning schemes isn't an ad hoc process. It isn't something which can be subject to the vagaries of one particular person or consultant or employee or whatever. It is actually an act of the council, and it actually also requires a formal amendment to the planning scheme, and the provision for that is through the Resource Planning and Development Commission in Tasmania. That conducts a public inquiry or public hearing into the amendment of the planning scheme, and people who may be affected by that amendment of the planning scheme to list a place are obviously given the right to appear and be heard. So there are reasonably good provisions there that exist.

Just to touch on some of the other aspects of our submission, the whole question of approval for development or for work on heritage places - a large part of our submission deals with that, and the present reasonably cumbersome system whereby people actually have to fill out two separate forms. There have to be two separate advertisements, they can actually end up with two separate approvals or rejections, whatever, and they have to take on or other or both to appeal. One positive thing, I guess, about the Tasmanian planning system is that it does

encourage public participation, and that's seen as a good thing. It does allow for appeals, for an applicant to appeal against a decision or against a condition, but it also allows people who feel that they may be affected the full opportunity of public participation ultimately through an appeal process. That's something that the council is encouraged by.

The fact that there are two separate systems has proved cumbersome over the years, although administratively we sort of work around it. It works quite well, but I still have the feeling, as someone involved in the exercise, that a lot of applicants are confused by the process. They are confused by the fact that they might get one letter one day that says that something has been approved and they might get a letter the next day saying it's been rejected by a different body. It's clearly not a sensible way of going, and we've made various submissions to the government relating to that. We've sort of summarised it that there should be a single system, a single application, a single advertisement. If it requires assessment by the Heritage Council, then it would be referred to the Heritage Council. They would advise whether or not they approve of the granting of a permit. Any advise that the Heritage Council gives would be incorporated in the council's permit. So that's our preferred system.

Whether under the present arrangement that would apply to all places on the Tasmanian Heritage Register, if the Tasmanian Heritage Register was confined to places of state significance, that system could be adopted simply for those. People still need to make a planning application. If it's on a state register, if it's a place of state significance, it would be referred to the Heritage Council. Their input would be included within the planning permit. That seems like a fairly simple, straightforward way to go. I'm not exactly aware of the practice in other states. I have worked in New South Wales, but that was about 20 years ago, but there's been a number of changes since then. I'm aware of that.

One of the other questions which have been touched on, not only in the Productivity Commission issues paper but also this morning, is this question of should things be listed if the owner of a residence, for example, decides that they'd prefer it not to be listed. My own personal view on that is that the listing of something is usually a statement of its significance. If it meets various criteria, then it is eligible to go on a list, and I guess the significance as an issue isn't necessarily a function of ownership and usually isn't a function of ownership. So just because someone owns something - their attitudes to it won't necessarily correlate to its significance. So my own personal feeling - it's not necessarily a feeling of the council - is that listing should be something seen as independent. It should be seen as a function of the significance of property, not necessarily any sort of management desires or whatever.

There's probably no need to talk about the incentive program that we have. It's reasonably well explained in the submission. One of the issues I think we do face in

a place like Tasmania and a place like Hobart has been touched on both by the National Trust and by the state government this morning. Just in relation to Hobart, we certainly have a large number of significant buildings such as churches, institutional buildings, with enormous issues. The cost of, say, reslating the roof of the cathedral or fixing up stained glass windows in an institutional building or a church or whatever are enormous costs, costs to the custodians of those buildings, costs to the community, and they were significant issues. I'm not sure that the answer to those has been found yet.

We've also identified, at paragraph 76 in our submission, other emerging sort of issues that we see. These are things that we're grappling with. The idea, just touching on the last one of those, the 20th century places, I'm aware that the Royal Australian Institute of Architects have raised the issue, but the fact that the idea of listing places isn't a static thing and the fact that a lot of 20th century buildings haven't been identified, to a large part, the lists that exist at the moment are based on work that the National Trust did 20, 30 years ago, and there really needs to be an ongoing identification of heritage values right up to more recent times to places built in our own lifetimes I guess. It's not just the old sort of Georgian and Victorian buildings that people probably don't have too many arguments about. It actually does include places from the post-war era now increasingly. I don't know whether Peter wants to add anything more, but obviously you have a number of questions.

MR CURTIS: I'll just touch very briefly on a couple of things. One is again my observation to the development process and where heritage sort of fits into the development process, I think increasingly planning appeals that involve heritage matters are fairly revealing in terms of issues that are emerging, and specifically I'm thinking of a number of recent examples, and as I say, I think this issue of relative heritage value or inherent heritage value is being questioned increasingly and challenged through the appeal process.

So what we're seeing - which I don't think we did see 10 years ago - was greater challenge and questioning of intrinsic heritage value. In other words, there's no longer an acceptance that because this building is listed of heritage significance that that's the end of the matter. We're seeing experts come in that contradict the value of the listing that may pick on components of the listing or may say that, yes, notwithstanding its listing, a certain extent of changes can occur. So we're seeing that sort of thing emerging which is raising questions about the integrity of the listing. So it means that we must be clearer about the basis for the listing. Again it comes back to I suppose the point I made earlier about who lists. So we're seeing that emerge.

I think the other thing in Hobart we touched on in the submission, again a phenomena that's occurring around the country of course, and that is the issue of urban consolidation which is focusing again back in terms of at least our coastal

areas and cities, focus on the waterfronts again, intensification of redevelopment, focus on redevelopment, recycling which poses its own unique problems and distinctive problems in terms of dealing with heritage fabric. So there's greater pressure again to be more accommodating within heritage fabric to allow reuse, recycling, redevelopment, and again a lot of argument emerges as to how that can be accommodated.

It's not again simply a matter of saying that because this building is listed, then the limited matter - that that's a clear indication as to the limit to how it might be redeveloped. There's a lot of scope for argument and debate and discussion about the extent of alteration and how that might be done, and there are different views from different experts which is compounding the problem. This often only comes to the surface when you are challenged in appeal situations over development and as more and more is at stake, then the arguments get more intense.

DR BYRON: That's one of the things that I really wanted to take up with you because you two gentlemen are I think in the best position to comment about this. What I'd been led to believe with a little more practice was that if something is listed on a state or even local heritage list, there would be some sort of statement of these are the reasons why this place is listed. "These are the values which we consider to be significant, and there would also, hanging off that, be - and therefore X, Y and Z are basically prohibited because they're not compatible with conserving those values, but A, B and C might be okay."

The reason I ask this, the National Trust's submission actually has some extracts from the Tasmanian register which is the first one I've actually got to see, and it's got sort of one-line statements of significance, and no so what. So if I was the owner of one of these beautiful old buildings which is on the combined state and local list, the Tasmanian list, there's really nothing in that citation that gives me any guidance as to what would be okay, what has to be approved, even if I want to prune the hedge, does that need approval. The confusion about - and in some cases, the resistance to listing for some people may be because they don't know what the consequences of listing are, and perhaps if it was better explained - "Even if your house is listed, you can still do all these things without even putting in a development application" - then there would be less resistance.

MR LENNARD: Yes. It obviously is going to vary case by case and what can happen to one building in terms of adaptation and growth and evolution will be different to another. With those listings, those registration sheets et cetera et cetera are I think simply a flagging mechanism to say, "Look, this place does have some heritage value. It does have some heritage significance. This is how we've articulated it for better or worse." That's how the Heritage Council and before that the National Trust has identified those places. In some cases, the National Trust statement is a little bit more helpful than some of those statements.

DR BYRON: I noticed that, they're variable.

MR LENNARD: Yes. The Heritage Council statements tend to be reasonably generic, and you'll find a fair bit of repetition, but I guess in the Heritage Council defence, I'm aware that as well as having those particular forms for each individual place, they have a number of general sort of guideline documents about the implications of listing. They also offer advice. They actually have a number of heritage advisers who are sort of architects. They're quite keen to make those facilities available in the same way that the Hobart City Council makes my services available to potential applicants, to explain on a case-by-case basis the implications of this heritage listing.

What that normally means is you really need to go and have a look at the place and understand what its values are. You could spend hours articulating them all for each property and involve a lot of consultants' time et cetera et cetera.

DR BYRON: Which could be unnecessary expense.

MR LENNARD: Yes, and probably going to a lot of unnecessary expense when those heritage values probably aren't under any question. It's probably better at the time when someone is thinking about modifying, changing, doing whatever they want to a building, to then invest the time at an early stage then and say, "Look, we'll go and look at your property and work out what are your needs. Talk to the architects or designers and say, look, what are the implications for what you're proposing?" Our planning scheme is very simple. It just basically says - the City of Hobart planning scheme just says that new development on a heritage property or in a heritage area should be sympathetic to the values and not detract from those values. It comes down to almost one paragraph to cut to the chase in our planning scheme. It's a very simple - - -

DR BYRON: So really this is just a flag - - -

MR LENNARD: It's a flag.

DR BYRON: - - - that says, "Before you do anything or even think about doing anything, come and talk to us."

MR LENNARD: Yes. I think that's the way that it should be seen.

DR BYRON: "We'll talk you through what's compatible and what we're unlikely to - - -"

MR CURTIS: I think the other step in the process which the scheme does

acknowledge is that possibly the first step in any major redevelopment is a requirement for a conservation plan and what we call statements of significance which would help to tease out the very issues that you're alluding to, and that is within this fabric, within this listing, what is indeed of significance, and to what degree can be it be adapted and modified et cetera et cetera.

MR HINTON: But some have put the view to us that that very strength that you're just describing has an inherent weakness. It carries with it discretion on behalf of the officials dealing with the judgment associated with that particular application, and when discretion emerges, to the full respect and integrity of you two fine officers, there could be some other council officers in another local jurisdiction that mightn't have the integrity embedded in this particular local government authority. So that leads to the concern that if that discretion has with it lack of integrity, you end up with the worst of all worlds which is lack of consistency.

MR CURTIS: Most definitely, and I think - - -

MR HINTON: What happens with that as well in terms of how decisions do get made of a favourable kind as opposed to an unfavourable kind. So you see my concern that we have to be careful about presenting this as a strength as the overall system that might operate around Australia.

MR CURTIS: Again the point you make is reinforced through the appeal process because that's the very thing that happens. It's challenged. There may be general agreement about the intrinsic values identified on those sheets. The argument arises as to what extent within those values can work proceed and still maintain those values. You will get a very diverse range of opinion and views. I suppose what we're saying is that if you've got a competent conservation plan prepared by a heritage professional, then it's better than not having anything. But as soon as you have one expert preparing a document, there are going to be half a dozen others out there that have a slightly different view as to the way in which it can be applied.

DR BYRON: Maybe the answer to that question of giving discretion for case-by-case judgment is to have a simple and transparent appeals process that's not - you don't have to go the Supreme Court. It's easy, it's cheap, it's fairly quick and efficient, but it's like the equivalent of a small claims court sort of thing where you don’t need to have barristers.

MR LENNARD: We have, I guess it would be fair to say, such a system here, although it's increasingly becoming more legalistic. I mean, up till a few years ago, it was the system you were describing then, but it's becoming increasingly more formal, more litigious.

DR BYRON: Probably more values at stake.

MR LENNARD: Yes.

MR HINTON: I had a question about your preferred approach and by the way, thank you very much for your submission because I think it touches on a very key issue for us which is the intersection of planning and heritage objective, and yet from the coalface from you people here in Hobart, it's very valuable for us. The preferred approach, instead of the two approval processes that you've currently got, you'd really like to have your preferred model being a single application. Within that is a process that would involve advice from the THC.

MR LENNARD: Yes.

MR HINTON: It's unclear to me from the submission though whether that advice is obliged to be taken account of in terms of - let's say it's said, "That proposal would contradict the heritage characteristic of this building. Approval is not forthcoming." Is that view then subject to a valuation such that it still could be approved or is it an overriding no coming from the THC? It still could get a no if THC gave a yes. I understand that process. It's the status of the THC advice that I'm getting - - -

DR BYRON: Whether it's a veto or advisory.

MR CURTIS: That's a good point.

MR LENNARD: That's a good question. I guess my view is that if the Heritage Council rejected something and said, "This development should not proceed, full stop," I think it would be incumbent upon the council to basically impart that decision to the applicant.

MR HINTON: Why I raise it is that some others put forward this idea, and it's in the discussion that heritage should be embedded into the planning approval process. Others say it should be separate, and when they say it should be separate, it's invariably because they would like to have the veto power operate, even though it would be part of the process, there may only be one application.

MR LENNARD: Just looking at that particular issue, say the Heritage Council come back and say, "Look, this development should not occur because it's going to impact on heritage values to such an extent that they're going to be destroyed," the council I believe should still look at all the planning issues - traffic, parking, shadows, site boundary setbacks, all the usual sort of planning things and a general report should go to the Hobart City Council, the local government authority or whatever, and it would conclude, notwithstanding the fact that in general planning sense all the other issues are ticked off, there's a fundamental heritage objection to it to such an extent that the development should not proceed, and that would be the

recommendation, I believe. Now, if the person then wanted to take the thing to appeal, obviously the issue that they would be appealing would be the Heritage Council's issue.

MR CURTIS: It is an interesting question, and I suppose it depends again on - if the Heritage Council does move towards listings that are of state significance, then arguably that adds weight perhaps to their opinion in respect of that particular development, because what they're saying is that no redevelopment should occur; this is of state significance and it will impact upon other values of this property in their opinion, and perhaps that would lend weight for the council to say, "We really are dealing with a property of state heritage significance, and if the state heritage body says that this shouldn't occur, yes, we should be responsible enough to say it shouldn't occur."

There's a problem emerging here that I've always felt uncomfortable with, and that's this tiered approach to heritage value. We can go back in this state to the old A and B listings of the National Trust. At that time there was a perception that you couldn't do anything with As but you could do anything with B listings ultimately. I think there's this danger again with national, state and local listings that it becomes a fiat to potential developers to say, "If it's a local listing, then it's of lesser heritage significance, therefore we should be able to put a bit of extra pressure on here to redevelop this. The values aren't as great." Of course, that's not really true. For the local community and for other reasons, they could be of even greater significance.

DR BYRON: But to a smaller group of people.

MR CURTIS: Yes, to a smaller group.

MR HINTON: That's why I'm raising it, Peter. The message this morning was that Tasmania will move down the track of other jurisdictions with listings of state significance and then there would be a separate listing of those with local significance, and that if you have your single application coming into the Hobart Council that has THC expressing a view on that particular site that is of state significance, quite clearly you'd suspect that the system would have a right of veto effect. But if it's of local significance, then you could take the view that that's not really a THC view issue anyway, so it maybe should be a local decision on the significance, or erosion of that significance, taken at local council level. But as soon as you go to that process, you're then increasing discretion again and you're increasing inconsistency. The defence then becomes the Peter Neil model of robust appeal systems.

I'm quite attracted to that too, but I'm exploring this with you because your submission in fact seems to me to provide very useful information, but it still needs to be drawn out a little bit as to how it might operate under the new real world

coming down the plath at us.

MR CURTIS: Yes. Under our current planning scheme the council's policy position, you'd have to say, is that it ultimately has a discretion, notwithstanding the heritage value of the building, under certain circumstances to significantly modify the development for other reasons. We have clauses in our schemes that sort of say if there are overriding economic or other reasons, or the building can't be used for other purposes - those sorts of things that creep into all planning schemes to give the council a discretion at the end of the day to perhaps do what ultimately it on balance sees appropriate notwithstanding some heritage significance. I don't think we've abused that as a council, and it is there, because there is a feeling, I dare say, amongst the elected members, that they want that comfort to have that discretion at the end of the day.

DR BYRON: In exceptional cases.

MR CURTIS: Yes.

MR HINTON: Let me take it further in that there may be some councils out there in Australia - I'm not saying Hobart; in Australia - that would be perceived by any judgment less than sympathetic to the consideration of heritage buildings, the priorities being jobs, jobs, jobs, development. In those circumstances, they would use their discretion under this hypothetical system, fairly invariably, that would not protect the heritage characteristics of the building. In those circumstances some states might take the view that the system needs to be so robust that that can't occur, and hence would constrain the discretion of the local government. I'm raising this because we need to be making recommendations that fit Australia. Whether it's one structure fits all is another issue, but I would have thought that we have to be careful that we don't take the model of Hobart, where it works well, for example, and apply it to some other jurisdiction where in fact it would be a recipe for disaster in the minds of some.

MR LENNARD: I don't know whether you have some sort of a call-in type provision for if there are significant heritage issues and the Heritage Council or the state heritage body or some other body has made significant representations about something. That would obviously have an appeal opportunity as well. I think it's an interesting issue how that would be dealt with.

Interestingly enough, we occasionally get the scenario where the Heritage Council will approve certain work occurring where our own assessment of it as a local council is that the work is actually not satisfactory, and it may not be satisfactory on heritage grounds, under our planning scheme. It's a real dilemma, because to try and represent that professional opinion to elected members - of course, they'll say, "Well, the Heritage Council has approved this so who are we to

question it?". That does occasionally present a dilemma.

The other thing is, just touching on this national estate local significance issue and the thresholds, I think there are enormous unresolved questions there. I'm thinking of buildings like the little sort of Georgian cottages in Battery Point in Arthur's Circus or even the warehouses in Salamanca Place. Clearly the little cottages in Arthur's Circus are of local significance. They're an important part of Battery Point, important part of Hobart. To what extent are those little sort of Georgian cottages an important part of the state of Tasmania? I would say they're clearly an important part of the state of Tasmania. I'd say they're of state importance, but then collectively those cottages in Arthur's Circus, as an important part of Hobart and an important part of Tasmania, are actually an important part of the Australian national estate. They're an important part of Australia's heritage. So are the warehouses in Salamanca Place. They're an important part of Australia's national heritage. They are of national significance, if you like.

DR BYRON: Fortunately I don't have to make choices like that, but would the Australian Heritage Commission, who's responsible for putting the Australian Heritage Register together, say, "Yes, that is of some significance to many Australians but not of sufficient significance to enough Australians to get it on the list"?

MR LENNARD: That's exactly the question.

DR BYRON: People in Queensland and Western Australia may not know of - - -

MR LENNARD: Yes. There are many, but the building that we're in now, the post office across the road, you would have to say, "These buildings are of national importance," but are these any more important that Victorian and Edwardian post office buildings and town hall buildings all round the country? Maybe not, I don't know, but to us they are. We would clearly say these buildings are important not only to Hobart and Tasmania; they're actually important parts of Australia.

DR BYRON: But so is probably every other city hall or post office.

MR LENNARD: Yes, I know. But how you actually establish these thresholds and these criteria - - -

MR HINTON: Come back a step. We were on the process of the unsympathetic council example. One possibility that's been put to us is that the way to address that circumstance is to still have the decision at local government but the appeal goes to the higher level, that is, the state level, so when the local government unsympathetic to the heritage objective says, "No way. Sure, go ahead. Knock it down and put up your townhouse," the appeal by the community can go to the state level tribunal,

we need to go the other way. If we're going to keep tourists coming, we need more high-standard accommodation, more modern attractions and not necessarily more heritage buildings preserved. The market in some sectors can almost be seen to be saturated in heritage buildings without the previous caveat I put on it, but they have a benefit and they're being promoted.

So in reality, the market is looking for more than what old buildings can provide as attractions or even in some adaptive reuses, and if we address some of these very uses. It's not conducive to developers and investors to be held to ransom thereby jeopardising economic activity and jobs by third party objectors who have no understanding of how, let alone the ability to make these sites pay for their upkeep, and there have been recent examples of involvement, and specifically I suppose National Trust which is going through a transition period at the moment is highlighted here; the need to keep these buildings, the best of them, alive and providing an attractive and appealing experience for visitors is probably best demonstrated by looking at what's happened in some cases where they have not been kept like that; observing the fate of some of the National Trust properties not having the appeal of some years ago and not being able to be maintained.

So these buildings need a commercial application to be maintained as living examples. Many of them we've described as being in a parlous state They need to be promoted, able to contribute to the economy and jobs by providing an experience and enjoyment of the past. They must be changed again from static furniture displays and continue to provide an experience.

There is a big cost burden on those who seek to develop. Those buildings worthy of presentation that will undergo adaptive reuse still need from the ground up every conceivable service from a complete rewiring for power and light, replumbing, and there is a major cost and I'd just like to develop that aspect of it. If these adaptive reuses provide a public and community economic and social benefit, then we would submit that some incentive or recompense should be made to the owner or developer. Some examples of the costs being borne disproportionately by owners and developers - an example is you can have a well-maintained hotel property, it's been restored to an example of its era. It is a major tourist attraction, the wider community use the facilities without buying a beer or doing anything else. So they're not contributing financially in any way. So this is a working experiential site. It's an excellent example of an adaptive reuse.

When it comes to the upkeep of that and other heritage buildings using traditional building materials as against modern materials and methods, it does impose a considerable cost, and that impacts on the heritage building's operational competitiveness compared to a more modern hotel that they're competing with down the road. Again getting down to not so much the nuts and bolts, the slate and sandstone and paint specifications that require more expensive paints, they all

contribute to the additional costs of maintaining a heritage property, and we again submit that if the community want these buildings to be preserved, the community should contribute.

This could be in a whole range of areas and obviously requires further investigation and further study as to how that may be done. It could be increased tax deductibility, it could be depreciation schedule changes, it could be cash grants from a range of levels of government for periodic major works such as slate reroofing or sandstone maintenance or anything of that nature. Basically that's the area we've chosen to submit on, Mr Commissioner, so I'm happy to try and answer any questions.

DR BYRON: Thank you very much. There are a lot of interesting points I'd like to pick up from that. The second one is about the contribution of heritage tourism to the economy, but the first one is a general question. Would what you've just said be taken with shock, amazement or horror by some in the heritage community? Is that a radical position?

MR BARRON: I don't see it as a radical position but, yes, it could be taken as perhaps a view from a private sector, and we are an industry representative body, so that's the view that we look to take. However, if one looks at the examples we've given of where buildings have been preserved without any thought as to who has the carriage of maintenance and therefore it shouldn't be taken in any way, shape or form - buildings such as this are in commercial use. That's been taken care of; it's some of the other examples that are held up and no-one has responsibility for but everyone wants to see stay there. If that shocks people - - -

DR BYRON: I've made almost the same statement this morning. Somebody has to be responsible for looking after it and somebody is going to have to pay, and everybody seems to agree that the cost of maintaining older buildings is higher and likely to become even higher in the future. So there's no denying that there are costs involved. One of the things we've got to look is how those costs are going to be met. If they're not met, the places will simply deteriorate.

We've had other people tell us about the business operating out of heritage premises and the guy down the road who doesn't have to pay $50,000 for the slate roof. If the first one goes broke because of the additional costs of maintaining a heritage building, then who's going to look after it? That point has been made I think fairly forcefully, but coming back to static displays of furniture and museum houses, do you think that there are more people around Tasmania or more generally who are coming to the realisation that static museum house displays with unprovenanced bric-a-brac are not a great tourist attraction; in fact, they don't even pay for the costs of maintaining those houses?

MR BARRON: I'm happy to comment. Just taking it back a step, in all of this it is a matter of assessing what is necessary to provide the benefits we talked about for future generations, how many examples of whatever heritage building we need. That's the first question before we decide to do more than adaptive reuse and bulldoze it. That's number 1 that came out it, so the second point I noted there from the discussions was the mix. It's the mix of how many examples we have and what we are seeking to provide in the way of construction examples, lifestyle examples of years gone by. We don't need them all; it's getting the mix right.

The third part about it is, I don't think anyone should be surprised there is a place for museums - very, very important - however, not every heritage building needs to be a museum and I think there is a realisation coming upon our community that we cannot just have static displays as museums. In fact, my initial point was in Tasmania's case we have a strong built heritage: it's getting the level right, getting the mix right. What we're lacking is making more of those buildings, promoting them and putting an experience into them.

DR BYRON: That's a point that's come up a couple of times this morning. If you think of the three phases of identifying and conserving and then presenting that to the public and telling a story about it - not just in Tasmania but a number of places, it's been suggested - it's that third step where we're really falling down. We have some fabulous assets but we're just not marketing or presenting or when people come we don't make it interesting, exciting, dynamic enough to get them to come back and bring their friends.

MR BARRON: I think that's a fair statement. It's a matter then of again at what level we want to do that, and there are enough recent examples here in Hobart, in New Norfolk in particular, of some massive investments on adaptive reuses of heritage buildings. So if the market can stand it, we can attract, for the right mix and dotted around the place - not every building - commercial development at the level we require. That does promote it and that does preserve the examples that we're looking for. I don't know if that specifically answers that question.

DR BYRON: Yes, it does.

MR BARRON: If we can't find through government, local government or any other means a really positive potential use, we should look very hard before we keep heritage buildings.

DR BYRON: Thank you.

MR HINTON: Vin, thank you very much for attending today. Are you going to give us a written submission following up your presentation this morning?

MR BARRON: I can do that, Mr Commissioner, yes.

MR HINTON: We'd be delighted to have it, because it has a couple of advantages: we make sure we get it right as to what you're saying, but others can see your points as well, though this transcript will be on our web site for all other interested parties to see as well. But it's also from the Commission's point of view very useful to have interested parties from a range of perspectives coming to the Commission to express their views. It helps us reach robust conclusions, so thank you very much for your particular perspective.

I had a couple of questions I wanted to follow up on, and the first one was - I'm not sure whether I heard you correctly right at the start. I got the impression that you had some concern about Tasmania being over-heritaged; that is, the conservation objective has been pursued too far. I had a question whether or not that took you down to a conclusion that that process was getting the balance wrong or whether in fact it lacked rigour such that the integrity of the heritage objective was being eroded and there's an important difference between that. The first has integrity, just that it was the question of funding; the second one is there's a lack of integrity, and it's that whether or not which particular view you're in.

MR BARRON: I suppose I'd have to go back to answering the balance one first because that's the point I've made in how many and getting the mix right, so I probably need to concentrate on that. There is a requirement to keep examples and - look after the future generations and keep examples of life and construction and a whole range of other aspects. There is a requirement to let people experience those heritage buildings. Your initial statement, "Tasmania does that and does it well," to a level it has probably in some cases gone too far when we have too many static displays that are no longer appealing. That comes back as a question of balance.

MR HINTON: That's a rearticulation of your point. I now understand it better.

MR BARRON: I'll go a step further because of the fact that we need to be careful in that concentrating on our built heritage we do not add to the perception - I'm very conscious of what I'm saying here - of Tasmania being a little heritage - - -

MR HINTON: I understand what you're saying. Is there an incidence of a third category, that is the sort of faux heritage aspect of tourism - not necessarily in Tasmania, for that matter in Australia - that has sort of refurbished bed and breakfasts that purports to be heritage but in fact is not? They're genuine replicas. Is there an element of that behind your thinking as well?

MR BARRON: I think, Commissioner, I probably made that point somewhere else before. I haven't really touched on it but there's an element of that that's adding to the oversupply or the impression that we're overplaying it. So that probably is part of

it but I wasn't really only thinking of that. That's certainly a very valid point.

MR HINTON: That's a useful elaboration of that point. My second area of questions related to your very perceptive comments on adaptive reuse. As Neil said, this issue of competitive neutrality has been raised by a number of interested parties. But I wanted to put to you that there are two categories of issues here, or two categories that raise different issues. There is the category of a building that always was a shopping arcade, is still a shopping arcade and it needs to be maintained which is expensive, but simply because of the inherent nature of an old building. Therefore conservation objective carries with it costs that the competitor doesn't have around the corner, which is a modern arcade, a new arcade. Therefore there's real questions about if you're going to impose conservation that raises the question of compensation. I think that a reasonable case can be made and a number of interested parties have made that case.

But there's a second category that I want to explore with you which is the building that is being retained but adaptive reuse such that its use might be different and its functionality could be extremely enhanced relative to that which was there initially; for example, a two-storey old heritage building in the CBD of Perth that is now a 50-storey tower that retains the heritage characteristic of the bottom two pre-existing floors but now is a CBD functional, operating, modern building with substantial commercial return. The real issue to my mind then becomes, that issue is very different to the first category. Does that really warrant compensation for that sort of adaptive reuse? I would have thought that's a lovely intersection between the heritage objective and the commercially imperative.

MR BARRON: The example that you gave is probably a way that should be addressed more often, provide an element of the heritage without a complete - I would describe - refurbish of a more substantial heritage building. So there are probably three levels there. If you have an ongoing arrangement, a shopping arcade, probably you know what you're getting into at the start. It's long tenure and it should be part of the budget - not only we'd expect too much - except if the city or town or country or state wanted to do something extra about it and they had a major problem in preserving it, that's fine.

But the rest of it, it should be ongoing. If you then - what is it called, the Executive building here retains a hard face to the road as its contribution to the heritage aspects of the city, par for the course. I mean, that's fine. Cloisters is the one I do know in Perth, I probably don't know the most recent one, where the facade is kept of the Cloisters building in St Georges Terrace, and behind that. That's fine too. I don't think there should be too much on that because it's not a big part of the whole operation. It is a commonsense approach to keeping some of the heritage, but there's a commercial development that stands on its own.

When you go to an adaptive reuse of a substantial building and looking at a commercial use retaining the integrity almost but a large proportion of the building and using the building itself, I think it's a totally different case. They're the ones we're talking about, adaptive reuses, where the building has had to be maintained, rewired, replumbed, rebuilt around but substantially the whole thing has got to be kept.

MR HINTON: You're saying that the costs that flow directly from the conservation objective becomes a very important ingredient to judgments about whether that's appropriate.

MR BARRON: In that whether it's appropriate to do but if the community wants that building retained to that level, what I'm speaking of, even though it has a commercial element to it, the community should contribute in that aspect of it. So there's really three levels we've drawn down there.

MR HINTON: Thank you.

MR BARRON: I think if I've made that clear it's - - -

DR BYRON: Just to build on - you know, there might be a building down the street that's actually the fourth or fifth building to have occupied that site or maybe it's been through four generations and it's had four lots of extensions on it or something, the question is, do we now say, "Okay, we like it the way it is today, we'll snap-freeze it there," because the mayor in another city told us that, "One of the buildings that we're now most proud of is actually mark IX, than if we'd had the planning controls in the 1960s we would never have got past mark V." There will be some places that we want to be kept as examples of time capsules but there might be other places that should be allowed to evolve sympathetically. Would you agree with that?

MR BARRON: I'm not sure if I'm going to answer it. Heritage, the definition, comes back, I suppose, to what we said - what is the role of heritage buildings: to add value to the community in a number of ways for the benefit of generations to come; the benefit of the economy in a range of areas. If none of those fit, how far back do you go for heritage. We are preserving too much in every modern era. I think - I don't know if I'm answering the question or understand it about evolving it but we need to be critical as to what we keep and what we don't, and we don't need umpteen examples of every era.

DR BYRON: Okay. Maybe if you would move on to the tourism part particularly and that's your special subject. The argument is frequently put that one of the main reasons for more conservation of historical and cultural heritage buildings is that this will attract economic returns particularly through tourism. I guess you inject an element of realism into that in the sense that only if it's done well and presented

effectively. Another house museum won't necessarily bring in jumbo-loads of tourists. I guess the alternative view that some people have put to us is that, "We're protecting or maintaining this village in this condition because we like it that way ourselves and if tourists won't come, well, that's their business."

So it's the question of what's the fundamental driver and what's the ancillary. We've got to try and make some sort of assessment on that. So the question of, how do you maximise the economic returns from heritage conservation? How much can we rely on that argument in telling the Australian government that investing in heritage buildings is likely to be a very good investment for the Australian taxpayer because of what it will do the tourism returns. Are we on strong or weak ground there?

MR BARRON: I can't do any better than say, it is the matter again of getting the mix right. It is keeping the examples that can make an economic return. That doesn't mean to say we have to keep every village in Tasmania, and if we decide that there is an outstanding example, then by attracting the best commercial activity and promoting it, we do the best we can. If that then to maintain the integrity of that village requires government support, yes, that is constructive and you would go confidently for that. But again it's getting the mix, getting the examples, and getting on with life in others that don't match and are not going to ever provide a continuing benefit to the economy, be it the local economy or the state economy. That's probably the best way I can answer it.

DR BYRON: But I think a lot of people have trouble letting go.

MR BARRON: Fact, yes. That's why probably we have a number of sites that are quite unsightly.

MR HINTON: I'm still a little unclear as to the role of government in this sort of construct, of the link between heritage and tourism. I can see how old buildings, historic heritage buildings, get retained because the community decide that's the objective inherent in itself. When that occurs, sometimes that will generate tourism after the event, that is, heritage conservation wasn't the driving force - excuse me, tourism wasn't the driving force for conservation. The egg came first and the building was there. In those circumstances, there doesn't seem to be any rationale for government intervention; that is, if tourism thrives, fine, let the commercial activity take place. But now we're getting arguments that in fact there is an economic rationale for conservation, if we do retain that building that in itself will bring the tourists.

I'm not persuaded that that has been a sufficient basis for the Australian government or state government or local government then should fund the conservation of that building because it might generate a wider impact, because

maybe those taxpayers' funds could be used for something else, like subsidising travel costs on Princess of Tasmania or whatever. There are all sorts of alternative uses of taxpayers' funds. Can you help me get a better handle on these sorts of policy concepts?

MR BARRON: In a limited way, I can. As I said, it's the subject of further research and I don't have the expertise on it. Where we're sitting is that an element, the right proportion of heritage, especially with Tasmania's brand being - having built heritage integrated to - being part of our brand, the right mix can attract more tourism, more tourists. That can be in the form of government buildings, buildings maintained by the community or private buildings. In some cases where private investment has gone into heritage buildings and made a feature of them, that again can add an attraction and bring people - five star rooms, we don't have any, or we don't have many, where that adaptive reuse can provide five star rooms. That can attract tourism, just the fact we've got some.

MR HINTON: Isn't Wineglass Bay going to have a proposal out there - five stars?

MR BARRON: Not redeveloping heritage. It might be built in a heritage area or something similar - look, we do have one. To mention one, Henry Jones is a fantastic adaptive reuse on the waterfront here, but there are others. I wasn't specifically speaking of that. So, yes, they can add to the economy, they can benefit everyone else in the economy by being the one attraction. So I can't do any better than saying, "It's getting the mix right," but where you have a private developer looking at that, adding to the ambience, the appeal of the destination and that can be proven, and the public are using it as a public amenity, not as paying guests - which they are in old buildings because that's part of the deal - that's where there is an element that the community has some contribution to make.

MR HINTON: If the benefit accrues more widely then a reasonable conceptual argument can be made that therefore the costs of that particular amenity should be met by those who may be benefiting.

MR BARRON: A proportion.

MR HINTON: A proportion. That's useful for me, thank you.

DR BYRON: I don't have any other questions. Thank you very much for coming.

MR BARRON: My pleasure.

DR BYRON: Is there anything else you want to say?

MR BARRON: No, not at all, thank you.

MR HINTON: Thanks very much.

DR BYRON: I think we can now adjourn and resume at 2 o'clock.

(Luncheon adjournment)

DR BYRON: Thank you, ladies and gentlemen. We can resume the public hearing. We're inquiring into the conservation of Australia's historic heritage places, and next on the agenda is Mr Barry Chapman. Thank you very much for the submission, thanks for coming. Would you like to take us through the highlights of the submission so we can discuss it with you.

MR CHAPMAN: Most certainly. Thank you for the opportunity to present my submission. I think most of my submission is both logical and sequential, and I'm seeking basically to show that, whilst a process was set up, encouraged and indeed financed by the federal government for the Australian Heritage Commission, the outcomes are not occurring; the implementation is not happening. Part of the study for the Richmond cultural resource management plan in fact included three community workshops in October 1999, and whilst 15 per cent of the township's population may not seem large, it was about 110 people.

DR BYRON: That's large.

MR CHAPMAN: You tend to get the committed members of the community. As we all know, some people are more active than others in the community; others are busy working, bringing up children and there are lots of other things that take their time. But as an outcome we had a substantial report, and that report, of which I have a copy I can make available, an electronic copy, to the Commission if you so require it. We came up with a large number of recommendations, and these recommendations are shown on pages 5 to 12 of the Coal River resource management plan.

An interesting sideline on this was I sought to get a physical copy of this document. I had access to the full PDF electronic media copy, but I really didn't want to print it all out because it was quite long. So I spoke to a local alderman on Clarence City Council and asked him for a copy. He did exactly what he said he would do, and within 48 hours I had a copy. Unfortunately, the executive summary, the simple cheat sheet, if you like, which enables us to focus on the key issues and implementation tasks, was actually missing from the council's copy. When I contacted the alderman concerned, he said - and I believe him - "I'm sorry, I wasn't aware of that," and although he was on Cape Barron Island for the day, he undertook to come back to me, which he did. He said, "I'm told that that is the council's only extant copy and the chap who prepared it is dead so, sorry, we can't help you." I just found it incredibly interesting when as a local organisation we're looking at this major plan. It took two years or more to prepare, and the council has mislaid the executive summary of the implementation targets.

But going on further, I raise some issues which we could point to specifically within the community, and although I'm appearing here as an individual today, the submission I've given is totally consistent with the objectives of our organisation,

which is the Richmond Residents Association. I'm also a member of the Coal River Valley Historical Society, which in fact is managing Oak Lodge, a property what's owned by the National Trust. So we have an active community in the heritage area. The specific examples I've raised, which I've taken both from the Coal River resource management plan and the current Richmond planning scheme 1993, illustrates to me and to other people in the community that, despite the planning, despite legislation, despite subordinated legislation, the very issues that have been raised in this hearing earlier today about "council discretion" are among the major issues we face.

In discussion with aldermen, where I've pointed the inconsistencies of decision-making with the legislation, one of them said - I won't give his name because I know him very well - "Barry, the operative word is 'discretion'," but I can give you some examples where two bodies were created at the time of the change from the former Richmond Council, which was incorporated into the Clarence City Council in 1992-93. At that time, because of the change in the style of local government, the electorate had to now vote for 12 councillors, whereas previously we had an award system. Quite literally I could stand next to my councillor in the pub and say, "Hey, mate, what's going on?" and deal with it in that way. We now have a remote body - and I don't want to overplay this - some 15 kilometres away sitting in a modern office next to a large shopping centre, and all of the aldermen profess that they equally represent our local area. We're not large enough in ourselves to get a local candidate into the council, and knowing the kind of trade-offs and so on and so forth anyway, almost certainly that councillor, even if we could elect one, would have, I would have thought, a limited effect to represent our view.

Anyway, the basic situation as we see it with, for example, the Richmond planning scheme - and the point I was making was that when the councils merged they set up two bodies, a Richmond Advisory Committee and a Richmond Planning Advisory Committee. In both cases you'll note the word "advisory" although they're subcommittees of the council. A classic example is less than 18 months ago a decision was made on a particular building in town that it should be allowed to become a multiple-seat restaurant when it had previously been tea rooms. Coincidentally the ownership of that building, which had recently been sold, had been associated with a trust or a family group of one of the aldermen. Submissions were made. The Richmond Planning Advisory Committee, which includes two aldermen, made a recommendation that this development application be refused. Subsequently a report was made by the manager of Planning Assessments or something similar, who's a council officer, and his recommendation went totally against the Richmond Advisory Planning Committee.

Ironically, one of the two councillors who sat on the Richmond Advisory Planning Committee moved the motion that development should be passed; it should be approved. So we seem to have a councillor who on the one hand on the local

advisory committee said it shouldn't be and then somewhere on the road to Damascus, or Belle Rive in this case, the shades fell from his eyes and he changed his opinion. Not only did he change his opinion, but he actually moved that it be passed.

I realise that this is not policy and this is the minutiae of local government, but the point I'm really wanting to make is we can have as many plans and as many planning schemes and as many policies, and lots of people involved in the process, but at the end of the day, if the written word is not implemented then, to use the old cliche, it's not worth the paper it's written on. You end up getting some very frustrated electorate members, ratepayers, local residents, who not only get frustrated but they get cynical about the process and they withdraw from the process. Signage is a classic example in Richmond. The Richmond planning scheme, as is the Coal River resource management plan, is very strong on the controls for Richmond. As an aside, I'm assuming that both the Commissioners are aware of Richmond and where it sits in the heritage area.

DR BYRON: Yes, been there.

MR CHAPMAN: Again going back to the old Richmond Council, there was quite a strong protection of signage in those days. They did actually have standards, and if people deviated from the standards then they were given a personal visit and then those signs either disappeared very rapidly or they were forced to change them. I can attest to that because I've run a business in Richmond; I've applied for signage under the old conditions. The Richmond planning scheme has an even tighter set of requirements. It's an excellent scheme on the surface of it, but in reality in the last 12 years only five signs have been applied for - in fact, less than five - and yet signage has burgeoned. One of the examples I use, because it's quite current, is a business in Richmond called Ma Foosies. It was owned by a couple for 21 years. They were very successful, or appeared to be. They were investors in other businesses locally, they sent both their children to private school, all out of the tea rooms.

They sold this building in July of last year. Within weeks three discreet signs had turned into five larger, more garish fixed signs, a sandwich board, which they'd never had before, and five umbrellas for the sunny days with generic advertising on them from Ice Rock drinks to Liptons tea. I provided JPEG photographs in their full glory of colour. Certainly in the black and white version you won't get, if I may use the term, the horror of all that, but it's totally inconsistent with the heritage aspects of both the building and the town at large.

Why has this occurred? Only the councillors, the aldermen, can tell you, but I perceive that they have a difficulty, because they have allowed this erosion of the scheme, they've turned a Nelsonian blind eye to what's been going on now for the

last 12 years, and suddenly the enforcers are in town in terms of our organisation and individuals like myself, and they're in a difficult position, because if they knock back these people their inconsistency is going to go to a tribunal and the whatsit is going to hit the fan. So at the moment the discretion comes in again, and instead of dealing with this issue as a whole, they've done a little bit of horse trading. They've made them reshape one piece of signage and move it, which was expensive for the people who put it up - without application, I might add; they just put this signage up - and they've then said, "But we want you to take those two signs down." So it's this discretionary - a bit here, a bit there - rather than the actual implementation of the planning scheme itself.

This is typical of what's occurring in Richmond in terms of signage, and if we take other issues from the Richmond cultural resource management plan, we can see the continuing inconsistencies. The plan itself reports particularly on the Richmond bypass. We have recommendations of wide consultations in Richmond, where a north-west bypass has been actually shown on local maps for close to 30 years but has never been implemented. We've seen substantial increases in visitors to Tasmania, and because Richmond is either the second or third most visited place in Tasmania, a large number of visitors along a strip.

We have on the one hand the Tasmanian government wringing its hands and saying, "Yes, we're sympathetic," and, "We're this and we're that and the other," but then saying, "Look, it's all too expensive." On the other hand we have the council saying, "The fabric is being damaged. Something needs to be done," but in fact these are really political rights, because Richmond itself is not benefiting from any positive outcome. Effectively little has been spent, and it was interesting hearing one of the earlier submissions. There's a clear impression in Richmond that we've been cash-cowed as a tourism product, that there's little or no investment and the kind of agenda that we've heard about today has been driven with sympathy in both state and local government because they appear to be almost entirely economic rationalists. So, "Heritage in itself has no value unless we can make a dollar out of it."

I've been in business for 40 years. I'm not anti-business. That's how I make my money. But in Europe, in Britain, people can actually do both, it would appear. They can sympathetically integrate old buildings into modern business usage. They don't need to be ossified. They can be adapted in a way which keeps the basic external integrity of the streetscape, et cetera et cetera. I'm probably preaching to people who know a lot more than I do about the subject. But it is apparent for anybody who travels overseas that heritage can and does work very well elsewhere in the world and in fact is an integral part of a tourism product. It doesn't clash with the aims of tourism. One of the main reasons people go is for this sense of the eternal that comes from long-settled townships and buildings.

So in terms of the Richmond bypass, we see there's been a lot of lip service

given and then there are turf fights between the local government and the state government, but in the final event in 2005 we don't have a bypass. There are those who argue that if - and particularly people with a short-term perspective, because one of the things you don't hear too much in Tasmania about tourism or about heritage is sustainability. There are countries that have been magnets for tourists for 50 years, 70 years, 100 years in Europe. There's this lack of consistency that the Commissioners themselves have raised earlier in this hearing.

So it would appear that people often come to Richmond with a very short-term business or economic perspective. So we see lots of people moving in and out of tourism businesses. There are the minority who stay for 15 to 20 years and become fully-functioning members of the community, but many other people are hardly known in social terms within the town because they are very busy on their businesses, they make their money, they then move on.

The other thing to point out about Richmond is it's a living community. It's not a Port Arthur which has had a vast amount of money - I'm not gainsaying that - spent on it, but we're actually a living community. People do live there. We're concerned that whilst we should remain an attractive tourist destination that the total social and cultural fabric of Richmond is allied to the heritage factor, so it becomes an all-embracing fabric, if you wish. There are many other examples I can raise which is again in this minutiae of policy implementation, policy enforcement and so on. I'm only talking about one small town of 800 people, but this is a significant issue for our community.

DR BYRON: Thank you. It's an issue that I guess one or two people have brought up in each state that - the details of course are different but there's sort of a general class of problem where there are plans and commitments and yet some agency at government at some level doesn't seem to be complying with the written plans and commitments. It sounds like you've given us another example of that category. I presume that you and the Residents Association have brought it to the attention of the "relevant authorities" what the requirements of a resource management plan are. So can I ask what reply you received when you pointed out they seem to be overlooking this agreed plan - or not?

MR CHAPMAN: The reply - and I actually have the copy of letters with me - in particular as a result of the, I felt, totally inadequate response by the elected council members. I discussed the matter with the Environmental Defenders Office in Tasmania and they actually wrote to the council. The council has never responded directly to the Environmental Defenders Office. They have written a couple of paragraphs to me saying that this matter is still under investigation. My original letter to the mayor and aldermen, on signage, I wrote on 4 December 2004. As a result of the inaction which I had followed up subsequently with telephone calls and further letters, the Environmental Defenders Office wrote to them in March. On

18 May the business that had installed these large number of signs made an application for a single sign. I found this interesting. The anecdotal evidence I had is that there were many discussions behind the scenes in this application for a single sign.

The council on Monday approved this sign, even though on this occasion the Richmond planning advisory committee recommended that it not be approved. It is quite frustrating to see, if I can use the term, "illegal" signage sitting and staying there months on end, and then a council official writing a report for the consideration of the aldermen prior to a vote that says, "The council has recently been informed." Now, this report he wrote in August 2005, and the council were informed on 1 December 2004. Now, I've been in business, I've not worked in public service, and I don't wish to demean anybody here who is in public service, but maybe eight months is recent in the public service; in business, you would be out of business. It's that simple.

MR HINTON: Thank you very much for your written submission and appearing today and drawing this case to our attention. As Neil says, it helps us get a better understanding of how the systems across different jurisdictions are working or not working. My question is in relation to - well, your submission picks up signage and traffic management issues in particular. Are you detecting incidences of also inadequate application of planning requirements for construction of buildings as well, or demolition of buildings?

MR CHAPMAN: Unfortunately the construction of buildings, yes. Now, I haven't approached the council on this one, but in June, just prior to - I went overseas for a month on 8 June. The construction of an outbuilding in the historic commercial area of Richmond was drawn to my attention. I advised the people, I gave them a draft letter to send that said, "Look, you know, I'm currently the guy around town that everybody wants to throw something at. You've raised it with me and my advice is that you do this." This outbuilding which was constructed on a boundary with a skillion roof - and this skillion roof, when it rains, sheds water onto this other person's property. It's also covering, I am informed - and this not first-hand knowledge - access to either a stormwater connection or a sewerage connection. The family that are constructing this building have previously constructed a building without approval in Richmond which was subsequently approved by the Clarence Council.

So there's evidence of this continuous discretion, and the discretion appears to be what your relationship is with individual aldermen. I hope that's not too indiscreet and that I'm not going to get some form of slander or libel suit, but I can only say it appears that way. It appears that inaction is the main response from our council.

MR HINTON: At Richmond you said there's 800 residents.

MR CHAPMAN: Approximately; it is growing.

MR HINTON: How large is the local government area overall?

MR CHAPMAN: Perhaps Brendan might help me.

MR LENNARD: No idea.

MR CHAPMAN: I believe they say they are now the largest, I think somewhere between 30 and 40 thousand. Would that be a fair - - -

MR HINTON: That's moving more to the sort of average that we understand Tasmania now has - - -

MR CHAPMAN: Yes.

MR HINTON: Which means as you say, on your judgment, a single alderman out of that Richmond location would be very hard to achieve given the number of constituents in the local government area.

MR CHAPMAN: Yes, and even if we could elect him, how effective would he be when he has to horse-trade with the other 11 aldermen.

MR HINTON: But the fact that you don't have your own aldermen that in itself doesn't necessarily mean that the council overall does not have proper regard to the interests of Richmond; that is, what is the driving force for acting in a way that you assess to be negligent with regard to the planning requirements? It's not because you don't have your own alderman, it must be other incentives or relevant aspects of work.

MR CHAPMAN: In my view it's the economic imperative. It's the fact that Tasmania has been economically disadvantaged until fairly recently. There are those people who argue they're still substantially economically disadvantaged, and I have some sympathy with both the state government and council in that they sought to bring employment, because the lack of employment in Tasmania in the past has led to a lot of young people leaving Tasmania for the mainland, as you know we call it, and elsewhere. But conversely it seems as though the pendulum has swung the other way and again, just hearing one of the submissions today which really surprised me, there's still this very, very strong element that anything that gets in the way of making a quid perhaps should be circumvented in some way. "If we can't adapt it, well, we should get rid of it," seems to be the - and we know that in modern, civilised societies we have to integrate all of the elements. We can't have a society that is a do-nothing, won't change society. Conversely, we really don't want to see societies

that, you know, "Let's knock everything down and what we can do today is best."

DR BYRON: I was just going to say there's a bit of a tension where the economics comes into this because, on the one hand some people are telling us that a very good reason for maintaining historic heritage pl

repairing the bridge, maybe funds would be coming forward, but since there's another structure, then you get the relationship between the Commonwealth government and the state government and, since that bridge is part of a road, a local government. How much more complex could you get?

DR BYRON: As I say, I don't know that we can come up with an answer for you but - - -

DR ABBOTT: I thought you'd have a case study for your report.

DR BYRON: Yes. It's a beautiful case of complexity and how the system sometimes breaks down and doesn't deliver what it says it should deliver.

MR HINTON: And if the Tasmanian government representatives were appearing this afternoon after this session, then we could have asked them, but they appeared this morning.

DR BYRON: But you never know. We may get a chance to take it up with somebody and find out a bit more about it.

DR ABBOTT: For example, did they have a Department of Infrastructure person there?

MR HINTON: No, it wasn't. It was Tourism, Parks, Heritage and the Arts - a very senior person, head of the department attended.

DR ABBOTT: But not the Tasmanian Heritage Council?

MR HINTON: No.

DR ABBOTT: You can see how complex the whole thing is.

MR HINTON: That council is advisory.

DR ABBOTT: I think it's an independent statutory body.

DR BYRON: Yes, but it's secretariat is not - - -

DR ABBOTT: If you tried to get a diagram of its structure you'd have a very spaghetti bowl looking thing.

DR BYRON: Thank you very much for bringing that to our attention. We'll see what we can follow up on that. Thank you very much, Dr Abbott.

DR BYRON: I said this morning in my opening remarks that we always give an opportunity for anybody who's in the audience, if they want to come forward and make any comments on the public record, for the transcript, there's an opportunity. Just take a seat, any one by yourself and that will go into the transcript as saying who you are and we'd welcome your comments.

MR PARKER: Thank you, Chairman. My name is Guy Parker, I live at 11 William Street, West Hobart and I've been very interested to attend today's hearing as I am interested, very interested, in Hobart's heritage, and I own a property in West Hobart which I consider to be a part of Hobart's heritage, and it's been very interesting to listen to the hearing today because I have learned a lot today and I do think that there are some serious problems with regards to this point of discretion. I don't want to be too critical of the Hobart City Council because I've always been a great supporter of the Hobart City Council. In fact, I ran for council myself in 2000 and I fully support Mr Lennard as the Hobart City Council heritage officer because I think he does an extremely good job in his professional capacity, and I was very interested to hear of his very interesting comment this morning before lunch regarding the ownership of properties.

Unfortunately my capacity is fairly well limited to residential properties although I'm learning quite a bit about commercial-type heritage properties but I was very interested to hear his very good point that he made regarding people who are possibly the wrong owners of properties in respect to some of the rather abhorrent types of things that they put forward to propose to carry out on their existing extremely attractive properties, and I see that Mr Lennard has a very difficult job. But I did interestingly note that the Clarence Council has recently appointed a heritage guidance officer who people are advised to approach this officer before they make plans to carry out developments on properties. Although this might not be the role of Mr Lennard, because I'm sure his duties are well and truly taken up, this might be something that the Hobart City Council would like to consider and it might alleviate this problem that seems to have continually come up today regarding this point of discretion. I've seen it happen myself at having attended many council meetings over the years, and I thank the tribunal for time in listening to what I have to say.

MR HINTON: Thanks very much.

MR PARKER: Thank you very much indeed.

DR BYRON: Thank you.

MR COLE: I'm Bruce Cole and I'm secretary of the Engineering Heritage Tasmania. I've had several opportunities to come along and speak to you and I've said no on two occasions but you're such a welcoming pair that I've cracked. I've also been the national chairman of Engineering Heritage Australia and both those organisations are special interest groups of the Institution of Engineers Australia, and I did prepare a fairly feeble submission which I have given to you. I'm a bit ashamed of it, that's why I didn't want to talk but I didn't have too much time. I think all I want to say is that if you look at heritage registers in general - the Tasmanian Heritage Council in particular - you don't find too many engineering structures on them. I'm sure there are some bridges there.

One of the things that in Engineers Australia we do is to put bronze plaques on items of high significance, engineering historic structures, and we've put a plaque on the Richmond Bridge and I'm told that a lot of tourists stop there and read the plaque before they walk over the bridge. So it's in a particularly good place and we've got 16 other heritage sites around the state so far and we're progressing. But in general terms, the heritage registers have lots of buildings on them. One of our aims is to try and get Engineering Heritage must better represented. I mean, one reason that not too many engineering structures are there is because we haven't been energetic enough at nominating. There's nothing to stop you nominating them but you do have to get around to it and we have our own program and our own priorities.

I understand that the Tasmania Heritage Register has got the largest number of listed items of any register in Australia and that might be because when the legislation came through in Tasmania the first requirement was to get all the national trust properties on the heritage register, and that really knocked them over for the first three or four years and they are only just now starting to deal with new nominations. But I would be more interested in the lifts inside the buildings than the air-conditioning systems and where the waste water goes, and et cetera, et cetera than the pretty facade that everyone can admire. In our plaquing program we try to pick things that are in public view, such as bridges and power stations, mines, those sort of things.

Engineering Heritage Australia is a member of the national cultural heritage forum, so we do have a representative on that and I have been to one of their meetings and I think that they might have produced the most comprehensive submission to your commission because they've been very keen for this Productivity Commission review to take place, and I hope they've made a lot of points on our behalf.

DR BYRON: One of your colleagues from Engineering Heritage Victoria spoke to us on Tuesday.

MR COLE: Would that be Donald Bartlett?

DR BYRON: That was Donald.

MR COLE: Yes.

DR BYRON: And he particularly made the point that the public were losing access to historic engineering sites under either security or, you know, anti-terrorism or OH and S type of issues.

MR HINTON: Public liability.

DR BYRON: Public liability, yes, and a lot more Keep Out signs, and it was a lot harder for not only Engineering Heritage members but the public to actually see many of these fascinating pieces of heritage machinery and civil engineering.

MR COLE: Did he speak to you about Point Cook?

DR BYRON: We did discuss Point Cook, yes.

MR COLE: I know that in the Snowy Mountains scheme they have a very good book called Engineering Features of the Snowy Mountains Scheme. So it's got chapter and verse all the dams and power stations and tunnels and you name it, and I've got the second edition and the third edition, and it's been withdrawn because the Snowy people are concerned about terrorism.

DR BYRON: Yes.

MR COLE: So it could be another example of where people can't really get to see their heritage because that's one of the major heritage features in New South Wales.

DR BYRON: Sorry, I interrupted you then.

MR COLE: You would have had another submission, I think, from Michael Clarke in New South Wales. I don't know whether you did New South Wales.

DR BYRON: We haven't spoken with them. That's next week.

MR COLE: I haven't got there yet. He never writes less than five pages. So you'll get a good one there.

MR HINTON: Also, Bruce, in the last 10 days, week or so, submissions have expanded by a number - by 100. So you will not be surprised to learn that Neil and I have yet to read some of those before we get to Sydney. So there may be submissions that we don't know about.

MR COLE: It's an increasing response, so that's very good, isn't it? So you've done a reasonable amount of advertising and - - -

DR BYRON: But in our visits and our meetings all around the country - I mean, Tony calls them the uglies but there's a lot of industrial heritage which hasn't been represented when - a lot of the lists are made up of the beautiful grand mansions or sandstone buildings, beautiful town halls and post offices and big banks and so on.

MR COLE: Railway stations.

DR BYRON: Yes, but the - - -

MR HINTON: The abattoirs.

DR BYRON: Abattoirs, the gasometer, you know, the mining things, the sewerage system, the pumps and so on, that sort of stuff that's not photogenic, it's not calendar material, it's not fashionable - - -

MR COLE: Yes, that's right.

DR BYRON: - - - it seems to be a lot harder to generate interest in and enthusiasm for those even though they may be very, very important historically for the development of the country.

MR COLE: Yes.

DR BYRON: So the question is, what do you do when you've got an asset which is sort of now surplus to requirements or technologically obsolete, or a timber bridge that's been replaced by a new concrete one or something? Who is going to look after it? Who is going to maintain it and who is going to pay for that? Especially when you can't turn it into an art gallery or a coffee shop or yuppie apartments.

MR COLE: Yes.

DR BYRON: I mean, that's a really tough issue.

MR COLE: Yes, you might be able to solve the problem for us in your recommendations but, you know, I would think that where a bridge is replaced and the old one needs to be maintained in some sort of order then the relevant authority is the appropriate person to foot the bill, to take a pride in its own past heritage and to maintain the old structure even though it's not carrying traffic.

DR BYRON: But, see, they'll say, "We haven't got enough money to do the roads and bridges that we have to do that people are using."

MR COLE: Yes.

DR BYRON: And, you know, "Heritage isn't our business."

MR COLE: No.

DR BYRON: That's what they'll probably say. You will say it's their heritage.

MR COLE: I think it is, yes. I think of the railway workshops in Launceston. You've been up there already?

DR BYRON: I was there on holidays last year and went to the them with my wife.

MR COLE: Yes, well, that significant industrial heritage site has been more or less handed over to the Queen Victoria Museum and it's been used for other things but part of it is still on display and you can do tours through the blacksmith's shop and - - -

DR BYRON: I was going to say the blacksmith's shop is a very good example of what it was like there.

MR COLE: Yes, and whether it pays for itself or not, I don't imagine it does but it is an industrial heritage site that's still a going concern and a very important part of Tasmanian railway history, and then part of it is being used for an art gallery and an art school and et cetera, et cetera but they can't really apply that to a bypassed road bridge very easily. But there are some success stories. The apt railway on the west coast is a wonderful success story and that was as a result of Commonwealth money and some state money and, you know, $26 million, something like that and then hand it over to a private operator.

MR HINTON: So, Bruce, you would detect some increased interest in conserving historical heritage industrial buildings relative to say 10 years ago. You think there's been an emerging awareness of that category of building having heritage characteristics and worthy of retention as well?

MR COLE: I think you have to be selective. You need to do a heritage assessment by a competent person and build on that. But, I suppose, mostly the successes have come from individuals who decided they really want to do something about it and persuade someone to put up the money.

DR BYRON: 20 or 30 years ago the railway workshops in Lonnie would have just been knocked over, wouldn't they?

MR COLE: I think so, yes, certainly. So I guess that is an example. I haven't really been monitoring the change in public awareness but - - -

DR BYRON: Well, is there increased membership - I mean, out of all the engineers in the Institution of Engineers in Australia, how big is the engineering heritage interest group and is it still expanding?

MR COLE: I would think it was fairly static. When I joined the committee all the other members were over 80 years old. I was the youngster. Now, we've got someone in his 60s. So it's something that the people who were in full-time employment find it difficult to give time to. It only started in 1978, so we've been going a bit less than 30 years. I know we have a group in every division, about nine divisions around Australia, and the South Australian one has just folded up. The others are fairly reliant on retired people. Retired people seem to carry a lot of the load these days. But I think, generally speaking, in the institution, the heritage movement is alive and well and we are not on the list of top priorities in the institution. You know, they've got their strategic plan and these are the things we're going to do, and we find it very difficult to get ourselves on that list, but we do get our annual budget if we fight hard enough.

DR BYRON: And you're not an endangered species?

MR COLE: No, I don't think so, we're holding our own, but you do have to fight for it.

DR BYRON: Yes. Anything else?

MR HINTON: No.

MR COLE: That was all unplanned so - - -

DR BYRON: No, thank you very much for appearing.

DR BYRON: Another candidate? Because we have a transcript we're going to ask you to say who you are.

MR WEGMAN: Yes. I'm Cornelis Wegman - Keith for short. I'm representing the Anglican Church because we have a lot of old heritage buildings. I've made - I've got some notes of what I'm going to say for you. I did four copies. I didn't know how many people wanted a copy.

DR BYRON: Yes, thank you, take a seat.

MR WEGMAN: Basically I've been asked - I represent the trustees of the Diocese of Tasmania and I've been asked to speak about some of the heritage properties that we at the Anglican Church have. As you know, one of the good things about our buildings is that they are fairly original. I guess that applies to lots of Australian - we haven't had wars and strife and things like that, so lots of our buildings are original. Also a lot of our buildings haven't been altered greatly, unlike lots of places. That makes them special, I guess. Also older buildings have got social value. The Heritage Act, for instance, talks about the social value of old buildings - the Heritage Act of 1975.

Similarly, in the Australian Heritage Council Act of 2003 says similar things. It talks about the particular aesthetic characteristics valued by a community or a cultural group; special associations with particular community or cultural groups. These are the sorts of things. Generally speaking, older buildings are like symbols. They help to remind us of the past and the built cohesion and continuity. Also the other thing about the heritage building that's really important is the concept of cultural tourism. We get lots of visitors in Tasmania and lots of people stay and they really appreciate the heritage buildings because they haven't been duplicated or seriously altered. In lots of places they had to build copies because the originals have been destroyed. Fortunately we don't have that problem.

Now, obviously heritage buildings have got to be maintained to remain attractive and to be safe as well. There are some old churches around Hobart where you'd want to be careful where you walked, I think, and you'd probably have those in Sydney as well, I should think.

DR BYRON: We were told that the Anglican Cathedral in Sydney has bits falling off the steeple into the park next door.

MR WEGMAN: Yes, an occupational hazard. We have a few of those around Hobart. There are magnificent churches but they're not exactly - they're not entirely safe. The other thing that was interesting with the churches on the register is that I didn't realise that the churches - when they did the register in 1994, 8.4 per cent of all the places on the historic register were churches. The only group of buildings that

had more representation on the heritage list of places were in fact public buildings, as you would expect.

Also some surveys have been done of conditions of churches. Basically there was a report done by the Commonwealth Department of Environment and they did a natural and cultural heritage report. This was done back in 2001. They made some predictions. First of all they made some statements. They said that most churches were well maintained but the maintenance was going to be a real problem in the future. Now, this was 2001 and this is now proving to be the case. What that report said was that the churches were generally in good to fair condition and as a group they were probably the best kept of any of the buildings in the place of heritage. However, what they foreshadowed was problems with conservation, especially rising damp, failing roofs and roof plumbing. This is back in 2001 they predicted all this.

He also predicted in his report that it was going to be an ongoing problem of maintenance bills for churches. Then there are of course offset by this are the constraints imposed by heritage building, planning, decoration and furnishings which make them unsuitable for contemporary styles of worship. That's one of our key issues that I'd like to develop a little more, is the problems that we, the Anglican Church, have with heritage buildings that are actually unsuitable for contemporary worship.

It is impossible for churches to fund the cost of conservation. That's one of our key - why I'm here today. Why is that so? Well, Anglican churches are self-supporting. Their source of income is basically a weekly collection and investments of property if they have any. There are some churches that obviously have lots of property, not so much in Tasmania, but I'm thinking of the Sydney diocese and places like that, where they have essentially got funds coming out of their ears because of the property that they were given when they first settled in Australia.

In Tasmania there are some Anglican churches that have got property in Glebe and so on, but most of them are not like that. Even the cathedral doesn't have that much property. So there's a real problem in that churches simply do not generate enough money, income. Lots of people think that churches are funded by some mythical body out there. Well, perhaps some; and others - I guess if you're at church, some churches will take money from wherever it comes. It can come from up or down, can't it? But the fundamental problem - the reality is though that churches don't generate enough income to fund major conservation and restoration of their buildings. That's just a fact.

The other problem that churches have is that preoccupation with building is not core business for churches. I mean, churches are involved in our future as a community, serving the community's spiritual and physical needs. Having an old

heritage-listed church building can be a real drain on resources and energy. As lots of ministers walk around you can see that they get more stooped as the years go on, and it's the building that's basically the drain. Now, what is the difference between non-heritage and heritage properties, particularly as we see it? First of all, if a non-heritage property is unsatisfactory, the owners can dispose or alter them. Worse, if they don't pay their way, you get rid of it and get something else. Heritage properties, if they're unsatisfactory, are very difficult to dispose of, and alterations to make them work better are made almost illegal by heritage bodies.

For instance, the Tasmanian Heritage Council requires five reports and processes before an unsuitable building can be demolished - incredibly time-consuming, costly and laborious. It's plain to anybody that the building is unsuitable as a church possibly. What's the dilemma then as I see it faced by the Anglican Church? First of all, many tourists love heritage buildings and communities, including churchgoers - and members of the Anglican Church, I should add - appreciate the connection of these old heritage buildings with the past. Also the fact is, speaking as an architect - and a bit disappointing about this, but nevertheless the fact is that many people prefer to look at old buildings than new ones. That's just the reality.

MR HINTON: More comfortable.

MR WEGMAN: Well, for all sorts of reasons. You can't escape the fact, that's just the way it is. But the downside of course - and this is where the dilemma is - that first of all, as I've already said - if I can just reiterate it - that the churches are frequently unsuitable for contemporary worship. They are not allowed to make alterations to them to make them more appropriate, or else there are so many hurdles put in the way that it's just not worth the effort. The regulations, as I've said before, make it extremely difficult to dispose of unsuitable buildings when they're used as churches. Many buildings require major conservation, restoration and expensive, ongoing maintenance.

Finally, the clincher is that churches just don't have the means to undertake the repairs, especially if your building is unsuitable. Why would you spend - if you were running a business - half a million dollars conserving a building that doesn't suit your operations. So now we come to the bit there where hopefully there will be a bit of discussion and some comment made to Mr Costello perhaps.

DR BYRON: Which one?

MR WEGMAN: Probably the guy with the money - or the guy with our money. It appears to us that the tourist societies and heritage committees are very keen to retain old churches for reasons that do not directly relate to the core business of the Anglican Church; in other words, we love our old buildings and I share that view -

and we're not knocking old buildings. I share that view and so do many people. We love the texture, the scale, the connections that they have, the history, I suppose. Some of them are very beautiful, some of them aren't, but lots are very beautiful. However, they may not be suitable as churches. Therefore it seems to us that if the community and society love them, the community and society ought to help pay for them.

Previously there was a chap talking about a bridge and I thought it was interesting because I thought it was exactly the same problem. Council will say, "We haven't got the money," but it's the community that determined that they want that bridge kept for historical purposes. The whole community benefits from having it. Why should a council be lumbered with the cost of maintaining an item that the whole community benefits from having? Our argument is - I guess it's the same for the church and this is the contribution, I guess, our point to it. At the moment what happens with heritage funding is that heritage funding is disbursing - you know, you ask for a large bucket-load and you get a teabag or something like that of money to do a small amount of work. It's not good enough.

If the community want our heritage buildings because they're beautiful - and they are - then the community should pay for it. Is that such an unreasonable point of view? Why should it be a church - whether it's our church or anybody's church - do it? That, I guess, is a fundamental issue that really ought to be hammered home that we want our - - -

MR HINTON: Keith, you finished on a very key point, so I'll go straight to it.

MR WEGMAN: Yes, please.

MR HINTON: You used the words "the community should pay". But I think you could also elaborate on that further to describe who the community - the community is not everybody. Those benefiting could be something less than the 20 million Australians; something more than the 100 people that might attend church in that church. So there's a question of being more precise as to who is benefiting from the building who therefore wish to have it retained, who therefore might be burdened with the financial cost of maintaining it. We have to be careful about this wonderful word "community".

MR WEGMAN: I'm making a broad sweep to generate a reaction.

MR HINTON: That's fine.

MR WEGMAN: Okay.

MR HINTON: So my reaction is who?

MR WEGMAN: Well, obviously the benefits are (a) the church, but if it's a building that's unsuitable for them then it's a rather shallow benefit, but nevertheless obviously when we say that the community and society - the public purse is what we're talking about - should help to fund it, I think probably we're talking about an assistance rather than 100 per cent funding. We can't expect - because obviously the owners of the property get some benefits from it simply by having it. But the society and the community who really appreciate the building, regardless of whether it was a church or not, they would like it for its beauty, for all the other things that aren't necessarily church type things. Therefore, a much wider - - -

DR BYRON: I think the point is very well made, and it's not just churches, but if the owner of a heritage-listed building decides that because it's not delivering the services that you want or need, or because the costs to maintain it have become astronomical or unaffordable, and if it's on the heritage list, you know, there's clearly some sort of conflict or tension that needs to be resolved. We were talking to somebody else earlier this morning about - there's no point in having a list of places which can't be maintained because their owner - whether it's a church or a farm or whatever - can't afford to maintain it. Otherwise you'll just end up with a list of buildings that are falling apart, rather than a list of buildings that are being well looked after.

We know it's going to cost money to preserve any sort of heritage building. Somebody is going to have to pay for it. The owner decides it's not worth their while paying all those costs. I guess one of the things we are being asked to look at is, is there some mechanism for putting together a package where the feds chip in 2 per cent, the state puts in 7 and a half or 15 or something else, and the local government puts - or philanthropy has to raise 10 per cent, you know. I don't know the formula or whether there could be a formula. The bottom line is that if we can't raise the funds from all sources to look after the place properly then that's telling us loud and clear that maybe it has to go, if nobody is willing to put their hand in their pocket to do what's necessary.

The points that you've made were made very strongly to us in I think just about every other town where we've had hearings. I think in rural areas it's even worse where you've got declining populations, declining congregations, much older people, many pensioners, you know, they don't have deep pockets. Yet small country towns see those same churches as the backbone. If you take that away it's got a real sort of community cultural consequence, but by the same token it's not safe to use, it doesn't meet purpose and it's prohibitively expensive to maintain. I see that as a tremendously difficult problem to resolve.

MR WEGMAN: That's the big dilemma, isn't it? That's the dilemma of conservation. It is very, very expensive to do it properly. Only private companies

who have deep pockets, and government-type institutions, can probably afford to do things to the level, to the standard required. But judging by the heritage reports that I quoted, it would seem that churches, despite their meagre means, are actually maintaining their buildings better than the organisations that do have the money but choose not to spend it.

DR BYRON: There's probably the perception out there that the churches have got very deep pockets.

MR WEGMAN: Not true. Well, it might be true in Sydney; it's not true here, I can assure you. But still it's also a matter of choice, isn't it? It's not just a matter of deep pockets, it's also a matter of what you choose to spend your money on.

DR BYRON: The Uniting Church in Melbourne told us that if they had another million dollars they would put it into social services, they wouldn't put it into bricks and mortar. They wouldn't put it into fixing up the old pipe organ either. Yet there are people who think that conservation of pipe organs is extremely important. In that sense, again the church as the owner of a historic asset is not terribly different from the Defence Department that has an old barracks somewhere that they don't need. It's a beautiful example of why it's such a difficult problem, and I don't have a good answer for it.

MR WEGMAN: Yes, but there is a difference between the two cases.

MR HINTON: Could I take up your point that they are very difficult to dispose of, and alterations to make them work better. We do see plenty of examples around where churches have been sold. The difficulties you're flagging is because no-one wants to buy them or what is the impediment to sale?

MR WEGMAN: Okay. Let's take an example. We've got a church in North Hobart called Holy Trinity Church. It's a lovely building, it's up on a hill where you can see it from almost anything. It's falling apart, frankly. It needs a lot of work done to it. It's a lovely building. They haven't got the money to maintain it, ie, the church doesn't have the money to maintain it. What's next? What are they going to do? How are they going to - - -

MR HINTON: Is it surplus to needs?

MR WEGMAN: Yes. According to the current bishop it's surplus to needs.

MR HINTON: Then the immediate alternative that comes to mind is adaptive reuse, and therefore that essentially, given that the church really would rather not lease it out, that suggests to me that the church would put it on the market and maybe - in real estate terms "location, location, location" - it has something going for it up

on the hill and that would seem to be something that's worth pursuing. You could retain the building, ie, cultural heritage characteristics retained, albeit not as a church. What is the impediment for selling that church?

MR WEGMAN: Probably demand, I suspect. I used to go to a church in West Hobart called St John the Baptist. That was converted when we merged with another church. That building was sold and it was made into a residence called Pendragon Hall and it's been sold a number of times. There's a few churches I've heard of in Hobart - in Tasmania certainly - with adaptive reuse. There are so many of them, that's the problem.

MR HINTON: Which also means that their heritage value is that much less as well. There's a scarcity component that doesn't apply.

MR WEGMAN: Yes, that's right. I think the problem is difficult but I think though nevertheless - similar to the chap with the bridge - I think that the principle is that if a large - okay, I wouldn't expect somebody from Sydney to pay for my building, but nevertheless my taxes help to preserve buildings in New South Wales, I'm sure, through some roundabout matter. So it's not entirely clear cut. Governments are always spending taxpayers' money on behalf of the taxpayer that half of us don't agree with if there's something going on in the other side of the world that we can think of. They don't think twice about spending money on their own favourite causes without asking the taxpayer.

What I'm thinking is the terms of heritage though, it is such a sensitive and important area that it needs to be better funded. Now, the split of funding that you were commenting on, sure, the owner - it can't be 100 per cent. As I say, I put it like this to essentially attract a reaction which I got. I thought I'd get something. Well, you have to put things in black and white, in fact what you're really talking about are shades of grey.

DR BYRON: Exactly.

MR WEGMAN: So I what I would like to do - a couple of things. First of all, I think it would be worthwhile for the government to increase its generosity when it comes to the preservation of heritage issues. If it is deemed to be so important by our tourists and visitors, then for goodness sake, a wider community has got to help to pay for it, because a wider community benefits. I think that it would be worthwhile for heritage councils to be less precious about their buildings. We have some disagreement at various times but nevertheless - I've got an example here of boxed pews, you know. There's a lovely church in Battery Point that's got boxed pews. It's an old Wesley church or Methodist church that's got boxed pews. For goodness sake, boxed pews in the 21st century, you've got to be joking. It's not the way worship is done. Churches and heritage councils should be a little more flexible

in allowing adaptive reuse, even within a church, so they don't constrain you to using this 19th century layout, for instance. A case has to be made. But modern worship isn't done like it was in 1662, even in the Anglican Church.

MR HINTON: You're on transcript.

MR WEGMAN: Yes. So that's two issues. I guess they were really the main things. I think we've just got to be permitted to be more flexible. That's right, the third thing is the Heritage Commission is a great body for saying, "No, you can't do it." They have all sorts of rules that stop owners from doing things, but they never have the money. An organisation that can impose rules without suffering the economic consequences of those decisions is not - it is a very hairy way to run an organisation. All we ever hear from the National Trust and Heritage Councils are things that owners cannot do. But because they never have to pay for them, they can say what they like, and the owners suffer the consequences of some of those decisions. So I think more funding, more flexibility in terms of what we do with the heritage things. I agree that protection is required but not quite so preciously.

Thirdly, the Heritage Act and heritage organisations should have teeth, both to enforce things financially but they also somehow should be brought to face the consequences of some the things they impose on owners.

MR HINTON: You've made your points.

DR BYRON: That's a very good summary. Thank you very much.

MR WEGMAN: Thanks very much.

DR BYRON: Well, I think that sort of exhausts the audience unless one of the transcription people would like to - there being nobody else, I declare the pubic hearing closed and we'll reconvene at 9 o'clock Monday morning in Canberra. Thank you, ladies and gentlemen.

AT 3.35 PM THE INQUIRY WAS ADJOURNED UNTIL
MONDAY, 16 AUGUST 2005

INDEX